United Nations S/PV.6374

Security Council

Sixty-fifth year

Provisional

6374th meeting

Wednesday, 25 August 2010, 10.30 a.m.

New York

President:	Mr. Churkin	(Russian Federation)
Members:	Austria	Mr. Ebner
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	France	Mr. De Rivière
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Nishida
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Nigeria	Mr. Onemola
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 1918 (2010) (S/2010/394)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-49378 (E)

Please recycle

The meeting was called to order at 10.40 a.m.

Expression of welcome to the new Permanent Representative of Japan to the United Nations

The President (*spoke in Russian*): I should like, at the outset of the meeting, to extend a warm welcome on behalf of the Council to the new Permanent Representative of Japan to the United Nations, His Excellency Mr. Tsuneo Nishida. We look forward to cooperating closely with him.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 1918 (2010) (S/2010/394)

The President (*spoke in Russian*): I should like to inform the Council that I have received letters from the representatives Denmark, India, Kenya, Norway, the Philippines, the Republic of Korea, Seychelles, Singapore, Somalia, South Africa, Sri Lanka, Ukraine and the United Republic of Tanzania, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Duale (Somalia) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Russian*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel.

It is so decided.

I invite Ms. O'Brien to take a seat at the Council table.

I should like to inform the Council that I have received a letter from Mr. Peter Schwaiger, in which he requests to be invited, in his capacity as chargé d'affaires of the delegation of the European Union to the United Nations, to participate in the consideration of the item on the Council's agenda. Unless I hear any objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Schwaiger.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter from the Permanent Representative of Uganda to the United Nations, dated 24 August 2010, in which he requests that the Permanent Observer of the African Union to the United Nations, His Excellency Mr. Téte António, be invited to participate in the consideration of the item on the Council's agenda in accordance with rule 39 of the Council's provisional rules of procedure. Unless I hear any objection, I shall take it that the Council agrees to extend an invitation under rule 39 to Mr. António.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of the members of the Council to document S/2010/394, which contains the report of the Secretary-General pursuant to resolution 1918 (2010).

I welcome the presence of the distinguished Secretary-General of the United Nations, His Excellency Mr. Ban Ki-moon, and invite him to take the floor.

The Secretary-General: Thank you, Mr. President, for convening this very important meeting at this time. Before beginning, I would like to join you as President of the Council in welcoming His Excellency Ambassador Nishida as the new Permanent Representative of Japan. I wish him great success in the future.

Before I turn to the topic of our collective efforts to combat piracy, allow me to express my condemnation for yesterday's deadly attack on the

Muna hotel in Mogadishu. This attack, in the holy month of Ramadan, is an affront to Muslims and peace-loving people everywhere. It is a sad but pointed reminder of our collective responsibility to support the Somali Government in bringing stability to this war-torn nation. I join the Security Council in extending condolences to the families of the victims and to the Government of Somalia.

In the past seven months, there have been 139 piracy-related incidents off the coast of Somalia. Thirty ships have been hijacked. Seventeen ships and 450 seafarers are being held for ransom. I therefore welcome the Security Council's continued engagement on this issue.

Over the past three years, the international community has made concerted efforts to combat the problem, including by establishing a contact group and deploying significant naval assets to the region. Nonetheless, we can do more. In particular, we need to implement the existing legal regime so that the fight against piracy in international waters is effective. My report is now before the Council (S/2010/394). It sets out seven options. My Legal Counsel, Ms. Patricia O'Brien, will describe these options in detail, but I would like first to outline them.

The first option is to enhance ongoing efforts to assist regional States to prosecute and imprison those responsible for acts of piracy and armed robbery at sea. The second would involve locating a Somali court applying Somali law in a third State in the region. The third and fourth options would involve assisting a regional State or States to establish special chambers, embedded in the State's or States' national court structures, to conduct piracy trials. Option 5 would require active engagement by the States of the region and the African Union to establish a regional tribunal to address the scourge of piracy. Option 6 would be an international tribunal analogous to existing hybrid tribunals, with national participation by a State in the region. Option 7 would be a full international tribunal, established by the Security Council acting under Chapter VII of the Charter of the United Nations. All these options present serious issues for consideration, which Ms. O'Brien will introduce in her detailed briefing.

Let me now turn to broader challenges. The Council has clearly emphasized the need to achieve and sustain substantive results in combating piracy. To do so, whether it be through a new or existing judicial mechanism, will require political and financial commitment from Member States. We will need both to establish the mechanism and to ensure that it has the capacity and resources to prosecute a large number of suspects while ensuring due process.

Furthermore, in considering the establishment of such a mechanism, a host State will need to be identified, which in turn will require adequate arrangements for transferring those convicted to third States for their imprisonment. This aspect is particularly relevant given the large number of suspects apprehended at sea. To further explore these issues, I intend to appoint a special adviser on legal issues related to piracy off the coast of Somalia.

In recent months, the international community has made great strides in strengthening the capacity of other States in the region, such as Kenya and Seychelles, to respond to piracy. I welcome indications from Tanzania and Mauritius that they will also contribute to this effort. I am also encouraged by investigations and prosecutions in 11 Member States, which are prosecuting or have convicted nearly 600 Somali men of piracy in the past 18 months.

The United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) have developed several programmes to assist States in the Horn of Africa, including Somalia itself, and the regional authorities of Somaliland and Puntland, in order to strengthen their criminal justice systems to cope with the added burden to prison and court systems. The UNDP's long-term assistance programme to the Somali courts and police is now complemented by the UNODC's work in the corrections sector. Such efforts depend heavily on partnerships. Our collaboration with the African Union, the European Commission, INTERPOL and NATO has been indispensable.

I would also like to thank the Transitional Federal Government of Somalia and the regional authorities of Somaliland and Puntland for establishing a technical cooperation mechanism on counter-piracy. It is important that such initiatives are fully integrated into our overall efforts to boost Somalia-based solutions to this problem.

In January 2010, the Contact Group on Piracy off the Coast of Somalia established a trust fund. It has already provided resources to several counter-piracy

projects, both in the area of prosecution and initiatives on land. I am grateful to all Member States that have generously contributed to this fund, and I call on the international community, including the shipping industry, to continue to support these crucial projects.

Let us always remember that reducing and eliminating piracy in the region means a sustained response not only at sea but also on land, where piracy originates. The security of international navigation requires that we continue to support peace and stability in Somalia. I therefore thank the Security Council for convening today's meeting.

While I am here, I would also like to say a few words about the Democratic Republic of the Congo. The recent savage rape of and assault on at least 154 Congolese civilians is another grave example of the levels of sexual violence and insecurity that continue to plague the eastern Democratic Republic of the Congo. It is one more brutal reminder of the challenges of keeping the peace and protecting civilians in conflict zones.

Meeting these challenges is our collective responsibility. I have called on the authorities of the Democratic Republic of the Congo to investigate this incident and bring the perpetrators to justice. I have also called on the Government to renew efforts to bring security and stability to the people of the eastern Democratic Republic of the Congo and for all armed groups in the country to lay down their weapons and join the peace process.

Yet I am compelled to ask: what more can we do to protect civilians from such wanton violations of international human rights and humanitarian law?

The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo does what it can within its mandate, working with limited resources in an exceptionally difficult environment. But at such times we should always ask if we could have done more. I am dispatching Assistant Secretary-General Atul Khare of the Department of Peacekeeping Operations to work with Special Representative Roger Meece and report back. And I have asked my Special Representative on Sexual Violence in Conflict, Ms. Margot Wallström, to lead the United Nations response. But I also request that you, the members of the Security Council, seriously consider what more we can do — in the Democratic Republic of the Congo and elsewhere — to ensure the successful protection of civilians in the context of peacekeeping operations.

Last year I met some of the victims of appalling crimes of sexual violence in the eastern Democratic Republic of the Congo. Women and children should not have to live in fear of rape. Communities should not suffer the indignity of knowing that human rights abusers and war criminals can continue to behave with impunity. We must speak out and we must act.

The President (*spoke in Russian*): I thank the Secretary-General for his statement.

At this meeting, the Security Council will hear a briefing by the Legal Counsel, Ms. Patricia O'Brien, to whom I now give the floor.

Ms. O'Brien: I am delighted that the Secretary-General is here this morning, and I am honoured to have this opportunity to present this report (S/2010/394) on his behalf.

Before introducing the report, I wish to endorse the views expressed here this morning by the Secretary-General. He has painted a very clear and stark picture of the situation off the coast of Somalia and the wider implications of piracy in the region.

As many of us know, the Secretary-General has been consistently advocating for the international community to counter piracy and to respond in the most coherent way possible. The Secretary-General has never shied away from the problem despite the complexity and the challenges it poses. He has pressed the United Nations and other international organizations to do more to contribute to a solution. He takes every opportunity he can at internal senior management meetings to maintain momentum. In my own case, he dispatched me on a mission to Kenya as far back as March of last year to discuss the issue with the Kenyan authorities and to engage with the United Nations offices active on the ground. Additionally, he strongly supported the informal meeting of the General Assembly on piracy in May this year, and he ensured that piracy was an important part of the discussion at the United Nations Istanbul Conference on Somalia in May.

For my Office, the piracy dossier is an active and important one, as it should be. The human cost of piracy off the coast of Somalia is incalculable, with killings and widespread hostage-taking of sailors whose daily jobs are already filled with risk. The

commercial cost is also very high. The problem clearly demonstrates the increasing interdependence of States and people in a globalized world. The number and diversity of States and organizations with a stake in finding a solution provide strong evidence of this, with human welfare and commercial and security interests under threat.

Against this background, the Secretary-General's seven options are a very timely and important basis for Security Council consideration. The report has had input from my Office, the United Nations Office on Drugs and Crime (UNODC), the Department of Political Affairs, the United Nations Development Programme (UNDP) and other United Nations offices. In responding to the Security Council's request in resolution 1918 (2010), we have taken into account United Nations practice in establishing and assisting criminal tribunals, experience from non-United Nations tribunals such as the War Crimes Chamber of Bosnia and Herzegovina, and the work of the Contact Group on Piracy off the Coast of Somalia.

I hope the Security Council will find it useful if I, in introducing the report, briefly set out the international legal framework applicable to piracy. I believe that this legal context is instructive and that it provides an important backdrop for the options identified in the report, which I will then describe in a little more detail.

The legal framework for the repression of piracy under international law is set out in the 1982 United Nations Convention on the Law of the Sea, which also reflects customary international law. Other instruments, such as the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation — the SUA Convention — may also be relevant to combating piracy, since some elements of the act of piracy may also constitute offences under such instruments.

In the context of Somalia, the legal regime is complemented by a number of Security Council resolutions. The Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden is also an important vehicle for cooperation among regional States.

Piracy, as defined in the Convention on the Law of the Sea, includes any illegal act of violence, detention or depredation committed for private ends by the crew or passengers of a private ship against another ship or persons or property on board that ship. It is a crime that can only be committed on the high seas or in the exclusive economic zone (EEZ) of a State. In other words, it is committed outside the territorial sea.

The Convention on the Law of the Sea and customary international law provide for universal jurisdiction over acts of piracy. That is, all States are entitled to exercise criminal jurisdiction over acts of piracy, no matter where they occur and no matter what the nationality of the suspect or the victim. No connection between the prosecuting State and the act of piracy is required. It is the broadest possible legal basis for States to exercise jurisdiction under international law. Any State may seize a pirate ship or a ship under the control of pirates, any State may arrest the suspects and any State may prosecute them.

On the other hand, the crimes of armed robbery at sea or armed robbery against ships have the same elements as piracy but are committed within the territorial sea of a State. Those crimes are generally within the jurisdiction only of the territorial State, although this regime has been modified to an extent with respect to piracy occurring within the territorial sea of Somalia by a series of resolutions of this body.

In the repression of piracy, States remain bound by other applicable rules of international law. Clearly, apprehension, detention, prosecution and imprisonment must all take place in accordance with a State's international human rights and other obligations.

The Secretary-General has identified seven options for furthering the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea. Before describing these options, I should underline some of the important preliminary matters that the Secretary-General identified in the introduction to his report.

First, in the absence of a host State for a potential judicial mechanism, the report analyses the options in a general way, setting out the advantages and disadvantages of each, as well as information related to the time and resources necessary to achieve and sustain substantive results. To assess the feasibility of any of these options would require dialogue with an identified host State to determine its wishes and needs, and to determine what form United Nations participation could most effectively take.

Second, given the large number of suspects being detained at sea by naval forces, it is clear that putting in place adequate prison arrangements is equally as important as considering the options for prosecution. It is only fair to say that the potential size of the piracy-related prison population and the fact that most of the suspects are not nationals of the prosecuting States contribute to the difficulties associated with finding a potential host State.

Third, the Council's request emphasizes the important goal of achieving and sustaining substantive results. The challenges in achieving this goal include the large number of suspects, the fact that any judicial mechanism would be addressing a symptom of the situation in Somalia, not its causes, and the lack of any defined completion date for the mechanism's work. It is for these reasons that sufficient political and financial commitment by States would be necessary not only to establish a new mechanism but also to sustain it.

Turning to the options set out in the report, the first is one that is already ongoing through the work of UNODC, UNDP and others to assist prosecutions and imprisonment in regional States. In the report we identify a number of actions which the Security Council may wish to consider to enhance the important role that the United Nations is already playing.

Option 2 draws on the example of the Lockerbie court. That is, it would involve the establishment of a Somali court applying Somali law, sitting in the territory of another regional State. That would certainly require assistance from UNODC and others and would enable Somalia to play a direct part in efforts to counter piracy. However, as underlined in discussions in the Working Group on legal issues of the Contact Group, the Somali judicial system faces a number of challenges, and this option may therefore be one for the future rather than the present.

Options 3 and 4 involve special chambers embedded in a national jurisdiction. The distinction is that Option 3 would be a purely national court, whereas Option 4 would be a national court with international participation, perhaps in the form of judges selected by the United Nations sitting with national judges.

Option 5 would consist of a regional tribunal and therefore would not be embedded within the national jurisdiction of a State. This would be a new jurisdiction requiring an agreement or statute to establish the crimes. What is not clear, of course, is whether a group of regional States cooperating to establish such a tribunal would want or need United Nations assistance or participation by United Nations-selected judges.

Option 6 would be a tribunal on the lines of the Sierra Leone and Lebanon tribunals. That is, it would be an international tribunal with participation by national judges and prosecutors. This option perhaps demonstrates most clearly why the report says that any of the judicial mechanisms identified would be different from the existing tribunals.

The Sierra Leone and Lebanon tribunals were established by the United Nations in partnership with the affected States. In other words, those tribunals were established with the States that had been affected by serious international crimes and acts of terrorism but were unable to prosecute them nationally. We need to bear in mind that a tribunal established under option 6, or indeed under any of the options in the report, would not address the situation in Somalia other than with respect to piracy and would thus not be analogous to the existing tribunals.

Option 7 would involve the establishment by the Security Council of an international tribunal under Chapter VII of the United Nations Charter. Important questions under this option would include whether such tribunal should be established in the region and whether it should include regional judges to the extent possible.

Finally, a brief word about the process. Any of these options that involves the establishment of a new judicial mechanism with United Nations participation would require a mandate for the Secretary-General. Such a mandate has usually been given in the form of a Security Council resolution requesting the Secretary-General to negotiate a suitable agreement with the State concerned. That has been followed by negotiations conducted by the Legal Counsel on behalf of the Secretary-General and by a report to the Security Council setting out the recommended judicial mechanism. In the case of a Chapter VII resolution, the Council would, of course, establish the tribunal directly itself and would request the Secretary-General to take the necessary steps for the tribunal to function.

I am looking forward to the debate and would be happy to take any questions.

The President (*spoke in Russian*): I thank Ms. O'Brien for her briefing, and I now give the floor to the representative of Somalia.

Mr. Duale (Somalia): Mr. President, I wish first and foremost to thank you for convening this meeting and inviting me to participate. It is a very important meeting not only for Somalia but for the neighbouring countries of the region, as well as the international community and partners.

I would like to thank you, Mr. President, for the minute of silence and prayers you offered for the innocent victims of the very recent bombing of the Hotel Muna in Mogadishu. I also thank the Secretary-General for his condolences in this regard.

I wish to express my appreciation for the report of the Secretary-General (S/2010/394), which is very concise and well thought out. I thank the Legal Counsel, Ms. Patricia O'Brien, who proposed pertinent points with regard to the possible implementation of the recommendations set out in it, especially with regard to the need for timely action. I am grateful also for the efforts by the United Nations Office on Drugs and Crimes to support the possible improvements to the judicial system and the prisons in Somalia and in the region. Finally, I thank all the members of the Council, and I hope the recommendations will be acted on in a timely manner by all those concerned.

The President (*spoke in Russian*): After consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council continues to be gravely concerned by the threat that piracy and armed robbery at sea against vessels pose to the situation in Somalia and other States in the region, as well as to international navigation and the safety of commercial maritime routes.
>
> "The Security Council strongly believes that persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including those who incite or intentionally facilitate such acts, should be brought to justice, and considers in this regard that the effective prosecution of suspected pirates and their supporters may deter future pirate attacks. The Council therefore deems it of utmost importance to find long-term solutions to the problem of prosecuting suspected, and imprisoning convicted, pirates, which achieve and sustain substantive results with a view to contributing to the reinforcement of the rule of law in Somalia, and recalls in this regard that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off its coast.
>
> "The Security Council welcomes the report of the Secretary-General (S/2010/394), as requested by its resolution 1918 (2010), on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements, taking into account the work of the Contact Group on Piracy off the Coast of Somalia (CGPCS), the existing practice in establishing international and mixed tribunals, and the time and resources necessary to achieve and sustain substantive results. The Council notes that the report identifies the challenges faced in tackling this problem, in particular the limited judicial capacity of States in the region, prison capacity and repatriation arrangements for suspects prosecuted by foreign courts, and believes that it provides a solid base for future work in order to enhance international, regional and national cooperation in bringing pirates to justice.
>
> "The Security Council commends the ongoing efforts of States, including States in the region, in particular Kenya and the Seychelles, to prosecute suspected pirates in their national courts, stressing the need for all States to continue these efforts, including through criminalizing piracy under their domestic law.
>
> "The Security Council stresses the need for States and international organizations to continue addressing the problem of the limited capacity of the judicial and the corrections systems of Somalia and other States in the region to effectively prosecute and detain, pending trial, suspected, and imprison convicted, pirates. In this

regard the Council appreciates the assistance being provided by the United Nations Office on Drugs and Crime and other international organizations and donors, in coordination with the CGPCS, to enhance the capacity of the judicial and the corrections systems in Somalia, Kenya, the Seychelles and other States in the region to prosecute suspected, and imprison convicted, pirates consistent with applicable international human rights law. The Council also reaffirms that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its articles 100, 101 and 105, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities.

"The Security Council emphasizes the need for regular review of progress achieved in prosecution of and imprisonment of persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, including those who incite or intentionally facilitate such acts, with a view to considering possible further steps to ensure that such persons are held accountable. The Council encourages the CGPCS to continue discussion in this regard, taking into account advantages and disadvantages of the various options described in the Secretary-General's report.

"The Security Council welcomes the intention of the Secretary-General to appoint a Special Adviser to him on Legal Issues Related to Piracy off the Coast of Somalia, bearing in mind the importance of the coordination of efforts by the Secretariat, including the Special Adviser, with the ongoing work of all relevant international actors.

"The Security Council requests the Secretary-General to include in his report to the Council pursuant to paragraph 17 of its resolution 1897 (2009) any new information and observations, taking into account the work of the CGPCS, on possible ways to advance the ongoing cooperation, including with States in the region in prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia.

"The Security Council expresses its intention to remain seized of the matter."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2010/16.

I shall now give the floor to the members of the Council.

Mr. Li Baodong (China) (*spoke in Chinese*): The Chinese delegation thanks you, Mr. President, for convening this very important meeting. We welcome the report of the Secretary-General (S/2010/394) on options concerning the prosecution and imprisonment of persons responsible for acts of piracy off the coast of Somalia. We also thank Secretary-General Ban Ki-moon and Under-Secretary-General Patricia O'Brien for their briefings on issues relating to piracy off the coast of Somalia and on the report of the Secretary-General. We also welcome the presence of Mr. Elmi Ahmed Duale, Permanent Representative of Somalia, and thank him for his statement.

Although recently pirate attacks off the coast of Somalia have continued, threatening the safety of international navigation, their success rate has started to decline, reflecting the initial success of international counter-piracy cooperation. At the same time, however, the root causes of piracy off the coast of Somalia have not been eradicated. The pirates remain and have started to change their behaviour through more elaborate organization and more treacherous methods of attack. They have expanded their operations into the Indian Ocean. This shows that the task of combating piracy remains arduous and calls for further comprehensive efforts by the international community in order to eradicate both the phenomenon and its root causes.

China supports the actions carried out to combat piracy off the coast of Somalia, in accordance with international law and the Council's resolutions. At present, naval operations by the countries concerned aimed at combating piracy and protecting navigation are playing a positive role in ensuring the safety of international navigation. At the same time, the issue of how to prosecute pirates who have been apprehended has come to the fore. China supports strengthening international cooperation on prosecuting the Somali pirates within the framework of existing international law and appreciates the work of the countries concerned, in particular the coastal States.

China also calls upon the international community to provide the necessary support to the coastal States to enhance their legal capacity. In that context, China welcomes the report of the Secretary-General and would join others in further studying the legal framework. The use of measures such as escorting vessels, arrests by military forces and the judicial prosecution of pirates can only ease the problem. In order to resolve the problem definitively, an integrated solution should be adopted. China believes that the international community should make efforts in a number of areas, first of all promotion of the Somali peace process. The endless internal conflict and lack of governance in Somalia are fundamental causes of the phenomenon. The international community should promote dialogue among the parties in Somalia to stabilize the situation and establish effective Government control in order to forestall the occurrence of this phenomenon. Not long ago, the African Union decided to strengthen its peacekeeping force in Somalia. That is conducive to the stabilization of Somalia. The United Nations should continue to provide support in that regard, as well as to explore the possibility of deploying a United Nations force.

Secondly, Somalia's economic and social development should be accelerated. The stagnant economy and the deteriorating humanitarian situation in Somalia are very important causes of the rampant piracy, with the majority of young people being unemployed and millions of people struggling to survive. If all these economic and social issues persist in Somalia, the problem of piracy cannot be eradicated. Donor countries, international organizations and non-governmental organizations should play a bigger role and pool their human and financial resources to improve the social and economic situation in Somalia.

Thirdly, a regional strategy to resolve the Somalia piracy issue should be formulated. In order to eradicate the problem, development and the peace process should be promoted. That will require the cooperation of countries of the region and of the international community. That effort is already under way. The coastal States surrounding the Red Sea, the Gulf of Aden and the Indian Ocean have already begun to cooperate. We support the development of that regional cooperation. We also support arms embargoes, the freezing of assets and other measures to sever the supply of weapons and funds to Somali piracy.

Ms. Rice (United States of America): Let me begin by thanking the Secretary-General for his thoughtful report (S/2010/394) examining the options for prosecuting suspected pirates and imprisoning convicted ones. We hope very much that this report will help enlighten all concerned about the very real challenges we all face in this area. We also commend the Russian Federation for leading the call for this report and drawing attention to this important issue.

Piracy is an old problem that has taken on troubling modern form. It continues to affect us all through increased risk to our citizens, the disruption of global commercial shipping and damage to property and goods. Ultimately, only security and stability in Somalia will resolve the root causes of its current piracy problem.

Even so, the States and international organizations participating in the Contact Group on Piracy off the Coast of Somalia, including the United Nations, have made considerable contributions to the effort to suppress piracy in this critical region. But significant challenges remain. The United States commends the efforts of individual States, the European Union's Operation Atalanta, NATO's Operations Allied Protector and Ocean Shield and the Combined Maritime Forces Combined Task Force 151 to combat piracy and protect vulnerable ships making their way through the waters off the Somali coast.

Still, those tremendous naval efforts will be of limited effect if suspected pirates are captured and released without judicial consequences when there is sufficient evidence to support prosecution. As the United Nations report notes, the prosecution of suspected pirates and the imprisonment of convicted ones are essential to end impunity for acts of piracy. The Secretary-General's report provides a balanced, thorough review of the pros and cons of seven distinct options on the issue.

There are no easy answers in the exercise of bringing pirates to justice, and we welcome all creative ideas for tackling this thorny problem. Any long-term solution will require political will and financial resources from the international community and the States in the region. The options in the Secretary-General's report reflect discussions over the past two years within the Contact Group on Piracy off the Coast of Somalia, particularly in its legal Working Group. The United States has been pleased to play an active

role in the Contact Group, which is both an effective means of coordinating counter-piracy initiatives and a valuable and appropriate forum for building on the observations in the United Nations repo...

We are particularly grateful that the Secretary-General's report discusses at length the vital issue of imprisonment. We agree with the report's assessment that having sufficient arrangements for imprisonment in the region is just as important, if not more so, than the mechanism for prosecution. In fact, if such imprisonment arrangements can be identified, many more States may be willing to prosecute suspects in their national courts.

The United States welcomes the Secretary-General's appointment of Jack Lang as the United Nations Special Adviser on Piracy. We look forward to working closely with him in coordinating our efforts.

Let us be clear on the underlying dynamics involved. Ultimately, it has been said, the problem of piracy off the Horn of Africa will not be solved until Somalia is stabilized. To that end, the United States continues to strongly support the Djibouti peace process and the Transitional Federal Government (TFG).

The tragic events that took place yesterday in Mogadishu, which resulted in the death and injury of innocent civilians, including members of the Somali parliament, underscore the urgency with which we must address the terror and hardship all Somalis face on a daily basis. The United States joins our fellow Council members and the Secretary-General in condemning those murderous acts in the strongest possible terms. We pledge our continuing support to the African Union Mission in Somalia, the United Nations and the TFG in their efforts to bring peace and stability to this important country and hope for the future of the Somali people.

Mr. Nishida (Japan): Thank you, Mr. President, for convening this very important and timely meeting. I also appreciate the presence of the representative of Somalia. I would like to thank Secretary-General Ban Ki-moon and Under-Secretary-General Patricia O'Brien for their statement and briefing, respectively. At the outset, as this debate is my first Security Council meeting as the new Permanent Representative of Japan, I would like to ask for the continued support of Secretary-General Ban Ki-moon and the Secretariat, the President and members of the Security Council, Member States and others.

Before I proceed with my statement, I would like to join others in condemning the attack that took place in Mogadishu and expressing our sincere condolences to the families of those who were killed in that attack and to the Transitional Federal Government. The Government of Japan will continue to support the Transitional Federal Government and the African Union Mission in Somalia in order to promote the Djibouti peace process.

Piracy off the coast of Somalia continues to be a serious source of concern despite the high level of engagement by the international community, including the Security Council and the Contact Group on Piracy off the Coast of Somalia. The issue of Somali piracy not only threatens regional stability; it also prevents safe maritime transport and threatens the people and property of many countries, including those of my country, Japan.

In order to address the issue of piracy comprehensively, it is essential to ensure the prosecution of suspected pirates, in addition to the various anti-piracy activities of Member States and organizations. In that regard, Japan highly commends the efforts undertaken by the Transitional Federal Government of Somalia, Kenya and Seychelles.

We view the Secretary-General's report (S/2010/394) as a very good foundation for further considerations on how to ensure prosecution of those engaged in Somali piracy, as it presents the advantages and disadvantages of various options.

Considering that piracy is subject to universal jurisdiction, Japan believes that it is appropriate for coastal States to prosecute those who engage in piracy. It is also very important to strengthen the ability of coastal States to prosecute acts of piracy. Japan is cautious about the idea of establishing a new tribunal, considering the time and resources necessary for that, as presented in the Secretary-General's report. Furthermore, aspects such as incarceration, extradition and provision of evidence must also be considered. We are committed to continuing our discussion in various forums, including the Security Council and the Contact Group.

Countering piracy is a high priority for Japanese diplomacy, and we have been actively contributing to

anti-piracy efforts, including through the deployment of two vessels of the Japan Self-Defence Forces and two P-3C maritime patrol aircraft, and by participating actively in the discussions of the Contact Group since its establishment. Japan chaired the fourth plenary meeting of the Group.

Japan has also passed the Anti-Piracy Measures Law, whereby it criminalized piracy domestically, and contributed $13.6 million to the International Maritime Organization. This money is being used to establish a training centre in Djibouti and three information-sharing centres in Yemen, Kenya and Tanzania. Japan also contributed $500,000 to the trust fund that will be set up, as agreed at the fourth meeting of the Contact Group, under Japanese chairmanship. Our support since 2007 to Somalia for its security sector, humanitarian assistance and rehabilitation of public infrastructure has reached $122.4 million. This was provided based on our belief that the ultimate solution to the piracy issue rests in stability in Somalia itself.

I wish to express Japan's continued commitment to participating actively in the discussion on anti-piracy operations and stability in Somalia.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I would like to thank you, Mr. President, for your initiative in presenting the presidential statement that you just read (S/PRST/2010/16). We also express our thanks to the Secretary-General for his report (S/2010/394) and his valuable statement. We appreciate the comprehensive briefing by the Under-Secretary-General for Legal Affairs. We welcome the Permanent Representative of Somalia.

Lebanon supports the Djibouti peace process and emphasizes the importance of a comprehensive approach to the situation in Somalia that would address not only the security situation but also economic development and support for Somali institution-building.

We express our concern regarding the acts of violence carried out by rebels. We strongly denounce the terrorist attack that took place yesterday. We call for the prosecution of the perpetrators and express our condolences to the victims. We denounce attacks against humanitarian workers. We also denounce acts of piracy and armed robbery, especially as they represent a threat to international maritime activities and international trade and are an obstacle to humanitarian assistance.

We welcome the efforts of international organizations and States that have deployed ships in the regional waters of Somalia and in the Gulf of Aden. We hope that this increased international presence will shed some light on the frequently reported illegal fishing and the dumping of industrial waste in the sea off Somali. We are also concerned at the continuous development of ways in which pirates operate. This requires a swift and robust response, as well as effective, long-term solutions that I will mention later.

In this context has come the Russian initiative to find legal solutions at the international or national level to the issue of punishment for those who carry out armed activities and robbery off the coast of Somalia. International law does provide the legal framework necessary for dealing with such acts, and it is therefore important to do more at the national level.

After reviewing the report of the Secretary-General, we call for the United Nations and donor States to strengthen national abilities while remaining open to the other options suggested by the Secretary-General in the report. Here, we emphasize the role of the Security Council in studying these options and requesting the opinion of the Contact Group on Piracy off the Coast of Somalia in this regard.

With respect to long-term solutions, we believe that dealing with the root causes of piracy entails dealing with the domestic situation in Somalia, because the lack of security and stability in Somalia over the past two decades, the economic degradation and the difficulties in earning a living are the root causes of piracy. Therefore, any successful approach will require support for institution-building within the Government of Somalia and its regular forces, especially the coast guard, in order to extend the authority of the Government and assist in providing a better life for the people of Somalia.

In conclusion, we welcome the initiative of the Secretary-General to appoint a special adviser on legal affairs regarding piracy off the coast of Somalia.

Mr. Heller (Mexico) (*spoke in Spanish*): We would like to thank you, Sir, for convening this meeting. We welcome the new representative of Japan, Ambassador Nishida. We would like to thank the Secretary-General and Ms. Patricia O'Brien for being here with us this morning and for the information they have shared with us. We also welcome the presence of

the Permanent Representative of Somalia, Ambassador Elmi Ahmed Duale.

We also support the presidential statement that has been agreed by the members of the Council(S/PRST/2010/16), which reflects the points of agreement on the subject, including my delegation's perspective.

The adoption of resolution 1918 (2010) and the presidential statement adopted on the occasion of this debate constitute a firm response by the Security Council with a view to arriving at effective responses to different aspects of the problem in Somalia and in other States of the region in order to combat piracy. In this context, we acknowledge the important work of the international operations to combat piracy in the region undertaken by the European Union, NATO and other States, which reveal the staunch determination of the international community to tackle this issue.

In addition, we acknowledge the political commitment of the States of the region and the progress that has been made, as shown by the cases of Kenya and Seychelles.

The Secretary-General's report (S/2010/394) is comprehensive, balanced and thorough. We are particularly interested to note the seven options identified by the Secretary-General to tackle the problem of prosecution and, where appropriate, imprisonment of perpetrators of acts of piracy or armed robbery at sea. The measures identified constitute a broad range of possibilities to deal with this phenomenon.

In this regard, my delegation very much favours the first option, that is, strengthening the Somali legal system and those of the countries of the region in order to promote their capacity to prosecute and imprison those responsible for such crimes.

We feel that this first option offers various advantages. First, it would bring broad benefits to the rule of law in Somalia and regional stability. It would also establish a long-term view that is more aware of local realities and needs and is potentially best situated to contribute to a genuine and lasting solution.

Secondly, we believe that the aim must be to seek to ensure that Somali institutions have the capacity to try cases of armed robbery committed within their territorial waters. Taking into account existing challenges and limitations, the States of the region are required to cooperate in prosecuting piracy cases themselves. This is a mechanism that already exists and that has proven to be functional; it would involve strengthening existing capacity rather than starting from scratch. Compared with any of the other options, the costs are moderate in the light of the current economic difficulties that we are all facing. It is a practical, viable solution that can be pursued without further delay.

This leads me to a subject that my delegation has emphasized on various other occasions: the need for clarity on the distinction between piracy and armed robbery at sea. The Council has stated repeatedly that the legal framework applicable to combating piracy and armed robbery at sea is that embodied in the United Nations Convention on the Law of the Sea, which clearly defines the elements that constitute piracy, in terms of both its material scope and its sphere of action.

Mexico is therefore firmly convinced that references to the applicable judicial framework must take that distinction into account. When discussing international crimes, analogies do not apply. So, we welcome the fact that the Secretary-General has left no doubt in paragraph 39 of his report that we are talking about an international crime, as embodied in article 101 of the Convention, which in turn reflects customary international law. Armed robbery, on the other hand, is a crime that takes place within a State's territorial waters and thus falls within the jurisdiction of the littoral States. We reiterate that in the international community must keep in mind the existence of this distinction in its future efforts and should always seek to coordinate and seek the consensus of the States whose territory is involved.

My delegation shares the concern about the transfer and imprisonment of those suspected or convicted of these crimes. We believe that this is one of the major challenges underpinning the choice of options regarding prosecution as laid out in the report. It is therefore necessary to bolster international and regional cooperation, to enter into transfer agreements, and to build prison capacity in Somalia and the region.

Another challenge in implementing the chosen mechanism is that of funding. The Secretary-General's report is also instructive in this regard. Mexico considers that the shipping companies whose protection is one of the aims of the international

community's current efforts should contribute to the fund supporting efforts by States to counter these dangers.

In conclusion, we must remember what members of the Security Council have unanimously and repeatedly pointed out, and which was made clear yet again by yesterday's violence in Mogadishu: the central causes of piracy and armed robbery originate on land rather than at sea, and are rooted in the country's lack of social and economic development and the fragility of its institutions, which jeopardize the viability of Somalia itself. It is only by adopting an integrated approach within the region, incorporating full respect for the arms embargo and the sanctions adopted by the Security Council and by introducing an inclusive domestic political process fully supported by the international community that it will be possible to achieve the minimum conditions necessary for peace and stability and to strengthen Government institutions and the rule of law in the country.

Lastly, we cannot fail to echo the Secretary-General's condemnation of the mass-scale rapes of women in the Democratic Republic of the Congo. We denounce those acts, which deserve to be categorically condemned by the international community and for which impunity is unacceptable under any circumstances. We believe that the Security Council should, in due course, give this recent serious incident in a particularly violent situation the attention it deserves.

Mr. Rugunda (Uganda): I thank you, Mr. President, for organizing this important debate. I also thank the Secretary-General for his statement and Under-Secretary-General Patricia O'Brien for her briefing. I welcome the participation of the Permanent Representative of Somalia, Mr. Duale.

While we are deeply concerned about the persistent acts of piracy off the coast of Somalia, I wish to state that the piracy and armed robbery off the coast of Somalia are symptoms of a problem: the protracted strife, the breakdown of effective institutions of governance and the refusal of armed groups to join the political process. These continue to fuel the conflict and insecurity on mainland Somalia. Only yesterday we witnessed another act of blatant terrorism in Mogadishu, resulting in the death of many innocent civilians, including six members of parliament. We express our condolences to the families of the victims and reiterate our support for the Transitional Federal Government and the people of Somalia at this difficult time. The terrorist bombings in Kampala on 11 July, which claimed more than 80 lives and for which Al-Shabaab claimed responsibility, are a stark reminder of the need to ensure that Somalia is not used as a breeding ground for extremism and terrorism.

We commend all countries and organizations that have deployed naval assets off the coast of Somalia, which has checked incidents of piracy and mitigated its negative effects. Uganda welcomes efforts aimed at finding additional and practical ways to combat piracy off the coast of Somalia. The Secretary-General's report (S/2010/394) provides a number of options, forming a basis of a discussion by the Council in this regard. As we consider the options that would best serve the purpose of prosecuting and imprisoning persons responsible for acts of piracy off the coast of Somalia, it is important that we take into account three key issues.

The first issue is the responsibility already borne by the region as a result of the conflict in Somalia. In the 20 years that Somalia has been in conflict, millions of Somalis have fled their homeland and sought refuge all over the world. The majority, however, are refugees in the countries in the region, including Uganda. Some have integrated within the host communities, while some are still in refugee camps. In addition, the countries in the region have contributed to the fight against piracy. It is therefore important that any option agreed upon that involves countries in the region should ensure sufficient and sustainable resources so that the countries in the region are not overburdened.

The second point we should take into account is the fact that piracy is an international problem that predates the conflict in Somalia. While piracy is now concentrated off the coast of Somalia, it poses challenges for all countries through the disruption of international trade and humanitarian supplies and fuelling insurgency and international terrorism. Currently, there is an international legal framework to address the problem of piracy. The 1982 United Nations Convention on the Law of the Sea was partly aimed at addressing the challenges posed by piracy. It provides for responsibilities and ways of dealing with the prosecution and imprisonment of those convicted of the crime of piracy.

The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, the International Convention against the Taking of Hostages and the United Nations Convention against Transnational Organized Crime complement the United Nations Convention on the Law of the Sea. It is within the provisions of these international instruments, as well as regional and national accords, that piracy and the crime of armed robbery at sea are being handled. Therefore, any options that the Council eventually agrees upon should complement these existing arrangements.

We concur with the Secretary-General that whichever options may be favoured by the Security Council, assisting Somalia to develop the capacity to prosecute and imprison those convicted of acts of piracy will be essential in combating piracy in the long run.

The third issue is the urgent need to address the root causes of piracy. We are convinced that while efforts aimed at combating piracy off the coast of Somalia are commendable, it is necessary to address the root cause of piracy, which is instability on the mainland. This calls for enhanced support to the Djibouti peace process, the Transitional Federal Government and the people of Somalia in rebuilding State institutions. More resources are also needed to drastically improve the harsh social and economic conditions in Somalia. It is also important that the spoilers and others opposed to the peace process are dealt with firmly.

The search for peace and stability in Somalia is not just a Somali or even an African issue. It is a collective responsibility in which the United Nations and the wider international community have key roles to play.

Mr. Barbalić (Bosnia and Herzegovina): Allow me to thank the Russian presidency for having convened this important debate. It is a pleasure to welcome the new representative of Japan. Let me also take this opportunity to express our gratitude to Secretary-General Ban Ki-moon for his report (S/2010/394) and briefing on this important issue, as well as Under-Secretary-General Patricia O'Brien for her valuable contribution. We also welcome the presence of Ambassador Elmi Ahmed Duale, Permanent Representative of Somalia to the United Nations.

Let me express our strong support for the presidential statement just adopted (S/PRST/2010/16). We also align ourselves with the statement to be delivered later on behalf of the European Union.

We express our deepest condolences to the families of the victims of the terrorist attack that took place in Mogadishu and to the people and Government of Somalia. This tragic event provides additional proof of how delicate and complex the struggle for stability in Somalia is. The toll of victims on the front line obliges us to redouble our efforts and to work together for a better future for the Somali people.

Bosnia and Herzegovina also wishes to join the Secretary-General and other delegations in expressing its deep sorrow and shock in regard to the tragic information from the Democratic Republic of the Congo. We strongly condemn the reported crimes and join the call to fight and end impunity in this regard.

Bosnia and Herzegovina remains deeply concerned by piracy off the coast of Somalia, which poses a threat to international peace and security in the region and to international navigation and the safety of commercial maritime routes. These acts are illegal and cannot be tolerated.

We welcome the report of the Secretary-General on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia (S/2010/394). We look forward to the outcome of this debate and to its long-term impact.

Bosnia and Herzegovina reiterates its full support to the Transitional Federal Government (TFG) and the ongoing Djibouti peace process. We share the view of other delegations that the measures to build the capacity of the State institutions in Somalia, in addition to the reinforcement of sovereignty, will significantly contribute to the eradication of the piracy off the coast of Somalia that negatively affects the entire region and beyond.

We must bear in mind that a long-term solution can be achieved only through fighting the root causes of the piracy off the coast of Somalia. Thus, Somali institutions and jurisdiction should benefit from the option considered the most adequate and effective.

We welcome the intention of the Secretary-General to appoint a special adviser on legal issues related to piracy off the coast of Somalia. We also

recognize and emphasize articles 100, 101 and 105 of the United Nations Convention on the Law of the Sea as the legal framework applicable to combating piracy.

The engagement of States, in particular Kenya and Seychelles, and their role in piracy prosecutions are commendable. We encourage States to continue those ongoing efforts, which contribute to peace and stability in the region.

We commend the efforts of the European Union Naval Force Operation Atalanta, the North Atlantic Treaty Organization, the Coalition Maritime Forces and of States acting in their national capacities, in cooperation with the TFG, other States in the region and each other, to suppress piracy and to protect vessels transiting through the waters off the coast of Somalia. Furthermore, we commend the African Union and the troops of the African Union Mission in Somalia for their important role and hard work in stabilizing the situation in Somalia.

An important aspect of fighting piracy is the imprisonment of convicted pirates. Recent trials have shown that the sentences may be lengthy. We commend the work of the United Nations offices in the region, especially assistance and capacity-building programmes run by the United Nations Office on Drugs and Crime in cooperation with the European Union in Kenya, Seychelles and Somalia. Prison reform and construction of infrastructure are essential.

Establishment of the International Trust Fund with the purpose of supporting adequate measures against piracy is important, and we encourage all States to continue logistic and financial support. We believe the Contact Group on Piracy off the Coast of Somalia, with its four supporting Working Groups, is an effective international cooperation mechanism on all aspects of the fight against piracy. We encourage the Group to continue its engagement.

In conclusion, we remain hopeful that fighting the root causes of piracy will give results in the near future through local, regional and international efforts by establishing the rule of law and effective governance, as well as by creating new employment and economic opportunities for the Somali people.

Mr. Apakan (Turkey): At the outset, Mr. President, I would like to thank you for organizing this important debate. We appreciate the Secretary-General's briefing today, which is further testament to his dedicated efforts on the Somalia issue. We also welcome the participation of the Permanent Representative of Somalia, Ambassador Duale. We support the elements contained in the presidential statement read out earlier.

Piracy and armed robbery off the coast of Somalia and in the Gulf of Aden continue to be a threat to international maritime safety as well as to the security of the regional countries. Turkey not only deplores these illegal acts, but also has resolved to repress them by joining multinational counter-piracy operations in the region. Turkey has contributed to Combined Task Force 151 (CTF 151) by allocating frigates since the inception of the Force, and Turkish naval forces have prevented several pirate attacks. The Turkish navy will once again assume command of CTF 151 starting on 1 September 2010.

We have always advocated effective coordination and close cooperation in efforts aimed at the suppression of armed robbery at sea and piracy. Therefore, we fully support the work of the Contact Group on Piracy off the Coast of Somalia. As one of the founding members of the Group, Turkey actively participates in its work and deliberations.

As regards redressing the problem, more needs to be done. Piracy and armed robbery incidents in the region are still widespread. It has been striking to see that these unlawful acts are committed far away from the Somali coast. The effective detention and prosecution of suspected pirates and armed robbers is certainly one of the most necessary components of deterring future attacks and securing freedom and safety of navigation on the high seas.

We welcome the Secretary-General's comprehensive report on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy (S/2010/394), on which Under-Secretary-General O'Brien kindly elaborated today. The report is balanced and constitutes a good basis for further study of this matter. Each and every option deserves thorough consideration. We believe that today's debate will also provide useful inputs for future deliberations in this regard.

We also welcome the Secretary-General's decision to appoint a special adviser on legal issues related to piracy off the coast of Somalia. Working Group 2 of the Contact Group will also continue to play an important role in devising ways to bring piracy suspects to justice.

It is indeed important to find long-term solutions to the problem of prosecuting suspected pirates as well as imprisoning them. The ideal solution, undoubtedly, is to enable the Somali authorities to progressively take on more responsibilities in prosecuting pirates, with the prospect of rebuilding prisons and supporting the judicial process. Yet we all know that this is not the case under current circumstances. Therefore, we should urge the countries in the region to assume collective responsibility for combating piracy. As a matter of fact, the ongoing efforts of States in the region, in particular Kenya and Seychelles, are commendable.

Irrespective of which option will be generally supported and chosen to take forward, the international community should continue to help enhance the capacity of the judicial and corrections systems in Somalia and other States in the region to prosecute suspected, and imprison convicted, pirates, consistent with applicable international human rights law, as also envisaged in the Djibouti Code of Conduct. We believe that the United Nations has a leading role to play in capacity-building and welcome in that regard the programmes implemented by United Nations institutions including the United Nations Development Programme, the United Nations Office on Drugs and Crime, the United Nations Political Office for Somalia and the International Maritime Organization.

When establishing new judicial mechanisms, one of the key aspects is to secure sufficient and sustained financial commitment by States. The International Trust Fund to Support Initiatives of States Countering Piracy is a useful tool as far as financing is concerned. Yet there is still a need for sustainable and reliable sources of funding, especially when we take completion and residual issues into consideration. We have to bear in mind that we cannot expect any willing host State to shoulder an additional unreasonable financial burden. In that regard, funding from United Nations assessed contributions might be an option. Contributions by the shipping industry to the costs could be another possibility.

Another point that I want to raise is that not all patrolling naval States have bilateral arrangements for transfer of suspects to regional States. The establishment of a new judicial mechanism under any of the options may necessitate patrolling naval States to enter into bilateral arrangements for the transfer of suspects for prosecution. In order to standardize this practice, the United Nations might lead the way by preparing a draft multilateral agreement which, inter alia, sets out the crimes, the geographic limits on jurisdiction as well as the individual obligations of the host and patrolling States with respect to the transfer of suspects.

Like others, we also recognize the fact that naval operations and the subsequent prosecution and detention of captured pirates represent only one aspect of the fight against piracy. More attention needs to be paid to comprehensive solutions dealing with the root causes of piracy within Somalia. A lasting solution to the problem can only be found if it is sought in the broader context of the political, security and economic situation in Somalia. Anti-piracy efforts need to be supported and complemented by concrete policies and measures that will contribute to the establishment of law and order in Somalia.

Yesterday's attack in Mogadishu, which we strongly condemn, showed once again the fragile security situation in Somalia. We extend our condolences to the Transitional Federal Government and the Somali people. We believe that peace and stability within Somalia depend on the strengthening of State institutions. Likewise, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for the durable eradication of piracy and armed robbery at sea off the Somali coast.

Sir Mark Lyall Grant (United Kingdom): I would like to thank the Secretary-General for his report on options for the prosecution of persons involved in piracy off the coast of Somalia (S/2010/394). I am grateful also for his and the Legal Counsel's briefings this morning. I would also like to acknowledge the presence of Ambassador Duale of Somalia.

The United Kingdom appreciates the contributions of the United Nations and its agencies to international efforts to combat piracy, in particular those of the Office of Legal Affairs, the United Nations Office on Drugs and Crime (UNODC) and the Special Representative of the Secretary-General and his team. We also welcome the Secretary-General's intention to appoint a new adviser on legal issues around piracy off the coast of Somalia.

The United Kingdom remains gravely concerned by the threat of piracy and armed robbery at sea off the coast of Somalia. Even though the proportion of successful attacks continues to fall, the total number of attacks continues to be very high. Pirates are now

willing to venture further out to sea in search of their prey. We should not, therefore, underestimate the significant challenge we face in finding a long-term solution to this problem.

But, almost by definition, piracy is an issue in which the Security Council has shared interests and a common vision. Our task is to turn that common vision into effective policy formulation. The international community has shown unity and resolve in taking action at sea to contain the threat of piracy, including through the European Union's Operation Atalanta.

But to effectively address the problem of piracy in the region, we need a comprehensive approach which recognizes that the root causes of piracy are on land. The instability that continues to plague Somalia must be addressed. We need to support the Transitional Federal Government (TFG) of Somalia in developing effective political and security structures. Yesterday's appalling attack in Mogadishu was a stark reminder of the terrorist threat to the TFG. The Security Council rightly condemned it. I would like to thank African Union Mission for Somalia (AMISOM) — and Uganda and Burundi, its two troop-contributing countries — for their outstanding efforts to support the Government against those terrorists.

The effective prosecution and imprisonment of those responsible for acts of piracy and armed robbery at sea is only one part of the solution, but it is a very important part. The analysis of the seven options presented in the Secretary-General's report makes a very useful contribution to our ongoing efforts to address this complex issue. Of the options presented in the report, the United Kingdom believes that the best prospect for sustainable results will come from further enhancing the international community's efforts to build the capacity of regional States to prosecute and imprison those responsible for acts of piracy. Prosecution at the national level is most likely to provide adequate capacity for the efficient judicial handling of possibly large numbers of suspects.

By contrast, the United Kingdom continues to have doubts about the viability of establishing new international or regional mechanisms for prosecuting pirates. It risks being a waste of limited resources if we divert them into supporting new systems which would not be sustainable or offer long-term benefits.

Significant work in the field of capacity-building has already been undertaken by the United Nations Development Programme (UNDP) and the UNODC, with the support of the Contact Group on Piracy off the Coast of Somalia. That work has helped develop judicial and penal systems in Somalia, Kenya, Seychelles, Mauritius and Tanzania so that they can prosecute and imprison suspected pirates in a manner consistent with international human rights standards. Intensifying such measures should provide the region with a sustainable and long-term capability for dealing with the problem of piracy.

We pay tribute to Kenya for its leadership within the region in taking forward the prosecution and imprisonment of pirates. We also welcome the agreement by the Republic of Seychelles to accept pirate suspects for trial and detention and the first completion of a piracy trial there.

Mauritius, Tanzania, the Maldives and courts in Somalia itself are currently participating in the UNODC assistance programme, which is another important step forward. But it is important that those States do not stand alone in this difficult task. They must be given adequate support by the international community. We stand ready with other partners to provide assistance to the signatories of the Djibouti Code of Conduct who have undertaken to enact national legislation to enable prosecution of pirates and combat piracy in the region.

We agree with the Secretary-General's assessment that sentence enforcement arrangements for convicted pirates is a critical issue. It needs urgently to be addressed, given the potential long-term burdens on prosecuting States. In Kenya, pirates have been sentenced to prison terms of up to 20 years.

We commend the UNODC and UNDP for their work reconstructing and refurbishing correctional institutions in Somalia. The UNODC has also done important work in facilitating the negotiation of repatriation arrangements which will enable Somalis convicted of piracy in the courts of foreign States to return to Somalia to serve their sentences within reach of their families.

We are committed to continuing work with partners through the Contact Group in addressing piracy and its root causes on land. But piracy is just one of many symptoms of the instability in Somalia. It is vital that all parties redouble their efforts towards a more peaceful and stable Somalia. The Somali people have suffered for far too long.

Mrs. Viotti (Brazil): Mr. President, we appreciate your initiative to promote this timely and very important debate. We thank the Secretary-General for his report (S/2010/394) and his briefing this morning, and we welcome his intention to appoint a special adviser on legal issues related to piracy off the coast of Somalia. I also thank the Legal Counsel, Ms. Patricia O'Brien, for her presentation and Ambassador Elmi Ahmed Duale for his comments.

Let me join others in extending a very warm welcome to Ambassador Nishida, the new Permanent Representative of Japan to the United Nations.

We welcome the Secretary-General's report, which offers a very good analysis of the complex challenges involved in ensuring that those responsible for piracy and armed robbery at sea off the coast of Somalia are brought to justice. The greatest challenge, of course, is addressing the root causes of the problem. As the report indicates, restoring peace and stability, promoting effective governance, strengthening the rule of law and providing alternative livelihoods in Somalia are essential to a sustainable response.

The brutal Al-Shabaab attack against a hotel in Mogadishu yesterday — which killed more than 30 people, mostly civilians — is another shocking reminder of the pressing need for a timely and comprehensive solution to the situation in Somalia. We once again condemn the violence in the strongest of terms and express our condolences to the families of the victims and to the Government and the people of Somalia.

While strengthening efforts to bring stability and peace to Somalia, it is important to combat piracy and ensure that pirate militias do not enjoy impunity. The Secretary-General's report analyses several options for that purpose. The report recognizes that the current approach of providing assistance to regional States to prosecute and imprison pirates has achieved some results. In particular, we welcome and commend the efforts by Kenya and Seychelles to prosecute suspected Somali pirates. The recent opening of the high-security courtroom in Mombasa, with support from the United Nations Office on Drugs and Crime (UNODC), is expected to enhance Kenya's capacity in this regard. More States in the region are considering undertaking piracy prosecutions.

The Security Council has played an important role in fostering such cooperation and should build upon it, especially by increasing its engagement with States in the region with the support of the international community. We should give top priority to the implementation of the Djibouti Code of Conduct and full support to UNODC and UNDP programmes to develop the security and justice sectors in Somalia and its neighbours.

The problem of piracy off the coast of Somalia is, however, a global one. The burden of prosecuting suspected pirates should not lie solely with States in the region, which are already disproportionately affected by the crisis.

The United Nations Convention on the Law of the Sea determines the duty of all States to cooperate to the fullest possible extent in the repression of piracy. As has been highlighted, the Convention's provisions allow for universal jurisdiction against this international crime. In this context, Brazil is encouraged by the efforts of the Netherlands, the United States, France, Germany, Spain and other States outside the region to prosecute in their own courts suspected pirates apprehended off the coast of Somalia. States affected by the scourge of piracy — flag States of attacked vessels, States of nationality of victims or naval States exercising the right of visit — should not shy away from exercising their jurisdiction.

I would also like to address two concerns that seem crucial, whichever option is pursued to further the aim of prosecuting suspects and imprisoning convicted pirates operating off the coast of Somalia.

First, there is the issue of evidence-gathering. Brazil is concerned that hundreds of suspects have been released this year alone because of lack of evidence to support prosecution. States apprehending suspected pirates should do their utmost to ensure that such arrests are made on credible grounds and that the necessary evidence is timely and adequately collected and transferred to the institutions involved in the prosecution. Otherwise, the effectiveness of naval operations may be undermined through impunity, on the one hand, and human rights violations of innocent seafarers, on the other.

Secondly, it also essential to address the impunity of those most responsible for acts of piracy and armed robbery at sea. It is unlikely that those who provide the funds, sophisticated equipment and heavy weapons and who in turn receive the lion's share of the ransoms currently paid to Somali pirates will be found and

apprehended at sea. They are on land in Somalia and elsewhere. Focusing on foot soldiers apprehended by naval patrolling States alone will not be sufficient to ensure sustainable justice and to dismantle pirate criminal organizations operating off the coast of Somalia. In this regard, it is important to make full use of the targeted sanctions regime against pirate leaders, to increase intelligence cooperation — especially to track financial flows of piracy — and to consider the authorization contained in paragraph 6 of resolution 1851 (2008), subsequently renewed by resolution 1897 (2009).

Almost 20 years of conflict in Somalia have had a significant impact at sea. Our actions to combat piracy, however important and necessary they may be, will only have a limited effect in the absence of progress in restoring peace and ensuring an effective Government in Somalia.

Mr. De Rivière (France) (*spoke in French*): At the outset, I would like to state France's firm condemnation of the bloody attack carried out yesterday in Mogadishu. France extends its condolences to the families of the victims and reaffirms its full support for the Somali institutions, including the Transitional Federal Government and its President Sheikh Sharif, as well as to the African Union Mission in Somalia (AMISOM). I pay tribute to the Governments of Uganda and Burundi for their actions within the force.

I would like to thank the Secretary-General and the Under-Secretary-General for Legal Affairs, Ms. O'Brien, for their briefings and the Permanent Representative of Somalia for his statement.

Pirates continue to pose a constant threat to the delivery of humanitarian assistance to the Somali population and to the supplying of AMISOM. The underlying causes of this phenomenon are to be found on land.

In the medium term, security and development will defeat piracy. For now, determined military action off the coast of Somalia remains essential. This action has evolved a great deal since the first protection convoy put in place by France in November 2007. Since 2008, the Security Council has established the necessary legal framework to act against pirates. The European Union — which will speak later and whose statement, of course, has France's full support — has deployed the first naval operation in its history — Atalanta — off the coast of Somalia. In addition to the European Union, a great many regional and bilateral partners from all continents are involved.

The impressive mobilization of the international community has made it possible to reduce the percentage of successful attacks by two thirds. The military tool is therefore effective and remains indispensable, even if it is insufficient by itself.

I would like to stress the legal dimension of the fight against piracy, which is essential. As the Secretary-General's report (S/2010/394) demonstrated, piracy is defined in a unique way in the 1982 United Nations Convention on the Law of the Sea, but the legal tools of States to combat it are very different, which makes cooperation difficult. Seven hundred suspects were released just during the first half of 2010, and without a doubt a significant part of them should have been prosecuted.

Here I would like to express my appreciation to the Russian presidency of the Security Council, which originated resolution 1918 (2010), today's presidential statement (S/PRST/2010/16) and the Secretary-General's report, which we have before us. This report sets forth various options for consideration. Our common objective is to bolster the rule of law in Somalia and to create the conditions so that the Somalis can themselves try and imprison the pirates running wild in their territorial waters.

In the short term, we invite States in the region to conclude transfer agreements, following the example of Kenya and Seychelles. In the absence of such agreements, the dissuasive impact of actions at sea is diminished. States in the region are the main victims of the deterioration of security off their coasts. The international community is deploying significant assets at sea. Cooperation among countries in the region with regard to trial and detention would make it possible to fight even more effectively against this scourge.

In the medium term, the setting up of a Somali court outside Somalia seems to us to be the option which best prepares for the future while remaining realistic, since the security conditions limit the number of pirates which can be tried in Somalia.

This discussion must continue. We are considering this within the framework of the Contact Group on Piracy off the Coast of Somalia. It seems to us to be essential that the United Nations, for its part,

continue its consideration and that the Secretary-General continue to inform the Security Council of developments.

I welcome the Secretary-General's announcement of his intention to appoint a special adviser on the legal aspects of the fight against piracy. That adviser will be able to provide useful insight to the Secretary-General over the coming months for possible future recommendations to the Security Council, if appropriate.

I also note that the Secretary-General's report quite rightly stresses the importance of the imprisoning of pirates. I welcome the actions of the United Nations Office on Drugs and Crime and the United Nations Development Programme (UNDP), which lend their support to Kenya and Seychelles, in particular, as well as the regions of Puntland and Somaliland. France hopes that UNDP's work in Puntland in particular will rapidly achieve results. France fully supports the trust fund set up by the Contact Group and which has already disbursed $2.4 million.

In conclusion, I would like to stress that the Security Council's action against piracy off the coast of Somalia is part and parcel of the Council's larger strategy on Somalia. In this respect, France reaffirms its full support of the Special Representative of the Secretary-General for Somalia, Ambassador Mahiga.

Mr. Onemola (Nigeria): Let me begin by thanking you, Mr. President, for convening this debate. I should also like to commend the Secretary-General for producing a very comprehensive report (S/2010/394) within a short space of time, pursuant to resolution 1918 (2010). The report has provided the Council with a detailed analytical account of the social, economic and legal implications of the options for dealing with piracy and armed robbery at sea off the coast of Somalia.

Let me also thank Under-Secretary-General O'Brien for her opening remarks, which provided further insights on the seven options proposed in the Secretary-General's report. I also thank the Permanent Representative of Somalia for his comments. We join earlier speakers in welcoming the new Ambassador of Japan.

We condemn the attack on the Mona hotel, which led to deaths and injuries. Our condolences and sympathies go to the victims of the attack and to the Transitional Federal Government.

The phenomenon of piracy is a symptom of a wider set of problems and challenges affecting Somalia — a country besieged with insecurity, a fragile government structure and a dire shortage of resources. Somalia presents fertile ground for criminality to thrive. Despite the best efforts of the Transitional Federal Government and all of its partners, the country continues to reel under the weight of multiple debilitating challenges.

We commend the Contact Group on Piracy off the Coast of Somalia, the African Union Mission in Somalia, the European Union's Operation Atalanta to combat piracy, NATO's Operation Ocean Shield, the United States Combined Task Force 151, the Monitoring Group on Somalia and the counter-piracy missions of China, India, Japan and the Russian Federation, among other countries, for their efforts to combat the piracy scourge off the coast of Somalia. Together, they have significantly helped to reduce both the frequency and rate of pirate attacks in the Gulf of Aden and off the Horn of Africa.

While such concerted efforts are praiseworthy, the scourge of piracy has not been eliminated, nor have its consequences on the Somali people and the international community been contained. Indeed, this month, pirates seized the *MV Syria Star*, with its sugar cargo, and the *MV Suez* cargo ship in the recommended shipping lane, both in the Gulf of Aden.

The extended geographical reach and increased sophistication of the attacks demonstrate that more must be done to effectively combat piracy. In this situation, integrated preventive interventions are necessary to address the root causes of poverty and the conditions that fuel piracy. We recognize that unemployment and economic disenfranchisement transform piracy into an alluring economic alternative in the minds of many young Somali men. The international community must therefore join hands to reverse this ruinous trend and provide viable entry points to self-sufficiency and dignity. In our view, this battle must be fought on multiple fronts. In addition to rebuilding and rehabilitating Somalia's administrative, economic and social structures, efforts must also continue to re-establish the rule of law, end impunity and establish effective policy and judicial mechanisms to apprehend these criminals and bring them to justice.

On the judicial and penal question, the Secretary-General's report has suggested seven options for consideration. While the current structure to combat piracy via national prosecutions by Somalia, Kenya and the Seychelles has borne fruit, there are, however, resource limitations. We note with concern that in a number of instances suspects have been released by patrolling naval States, due to the failure to find a State willing to accept the transfer of suspects for trial. In the light of that, we call for additional adjudication options to alleviate the pressure on existing judicial centres, which have shown tremendous leadership in prosecuting and incarcerating pirates.

Considering the various options proposed by the Secretary-General, we are of the opinion that, while it could be an ideal outcome in terms of ownership and participation, the establishment of a court of Somali jurisdiction in a foreign territory must remain a long-term rather than an immediate goal, given the fragmented nature of Somalia's legislative and criminal procedural framework. Instead, the United Nations should play an active role, as a matter of priority, to deal with a truly international problem. We believe that United Nations participation is key to ensuring that any judicial or penal process will be conducted in accordance with international standards. In addition, such participation will ensure burden-sharing by the international community, given the global reach of the problem. As we explore options, we should consolidate international cooperation as a first step to increase efficiency in addressing recurring juridical problems associated with the investigation, transfer and trial of suspects, as highlighted on page 19 of the report.

In the immediate term, we suggest that efforts should continue to build a broader coalition of the willing to share responsibility for prosecuting piracy suspects in the manner of Kenya and the Seychelles. In that regard, we are encouraged by the news that the United Republic of Tanzania, Mauritius and the Maldives are also considering undertaking such prosecutions. We hope that other regional Powers and States further afield will be persuaded to take similar steps.

A long-term solution still eludes us. We need a deeper understanding of the elements of the problems that remain to ensure a response that is commensurate with the task at hand. While an international tribunal is a sound idea in principle, there are serious questions of funding, forum and jurisdiction to be addressed. Furthermore, we must seek to achieve a solution that is sufficient and effective. Specifically, we propose that these measures should incorporate United Nations participation, collective burden-sharing in trial and detention and timely implementation.

In the final analysis, we believe that each of the Secretary-General's last four options offers the promise of a more comprehensive judicial framework dedicated to prosecuting these crimes. Although all depend on agreement by the host States, we are convinced that the assured participation of the United Nations will send a strong message of unity and collective reserve to deal with those who violate the law of the sea through piracy.

Detailed consideration of costs and funding sources remains to be undertaken. We trust that, with sufficient political will and commitment, agreement can be reached on a centralized structure to effectively address these acts of criminality and put an end to the culture of impunity that has arisen in the waters off the coast of Somalia and, by so doing, contribute to the maintenance of international peace and security.

Nigeria supports the presidential statement read out by the President earlier this morning.

Mr. Ebner (Austria): At the outset, I would like to thank you, Mr. President, for your initiative to organize this important debate today. I thank the Secretary-General for his briefing and Under-Secretary-General Patricia O'Brien for her presentation. We commend the Office of Legal Affairs for the preparation of the excellent report (S/2010/394) requested by the Security Council in resolution 1918 (2010).

My delegation joins others in strongly condemning the suicide attack in Mogadishu, Somalia yesterday. We also strongly condemn the abhorrent sexual crimes committed in the Democratic Republic of the Congo, which were referred to by the Secretary-General today, and reaffirm our strong commitment to the protection of civilians.

Austria aligns itself with the statement to be delivered by the representative of the European Union (EU) later in this meeting. Let me highlight a few additional points.

Piracy and armed robbery at sea off the coast of Somalia are directly linked to the lack of stability and disastrous economic situation in Somalia. At the same

time, piracy contributes to the deterioration of the security, economic and humanitarian situation in Somalia and may play a role in financing weapon deliveries in violation of the arms embargo. A comprehensive strategy in the Horn of Africa can be sustainable and effective only when it also addresses piracy's root causes on land and the situation in Somalia. We believe that development of the rule of law and security institutions in Somalia and the improvement of livelihoods and education are important factors for the durable eradication of piracy off the coast of Somalia.

The European Union substantially engages in training Somali security forces and supports the African Union Mission in Somalia. In addition to these important efforts on land, the EU's Operation Atlanta, together with the naval engagement of other States and organizations, has contributed to the considerable reduction in piracy and armed robbery at sea.

The prosecution of suspected pirates apprehended off the coast of Somalia is an important element of effective counter-piracy measures. But it can also be a burden for regional States, especially for Kenya and the Seychelles. The Secretary-General's report and the conclusions of the working group on legal issues of the Contact Group on Piracy off the Coast of Somalia provide a thorough basis for further considering short-, medium- and long-term solutions in that regard. The full respect of all applicable norms of international law, in particular international human rights law, including the right to a fair trial and non-refoulement, must be a central aspect of these considerations. The ongoing efforts at capacity-building, referred to in option 1 in the report of the Secretary-General, merit our special support. In that regard, we welcome the contribution of the United Nations Office on Drugs and Crime (UNODC) to countering maritime piracy in the Horn of Africa through a programme aimed at increasing regional capacities to deter, arrest, prosecute and detain pirates. That programme is supported by the European Union. We also welcome the Contact Group's establishment of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia, which is administered by UNODC.

We stand ready to further discuss other possible medium- and long-term solutions referred to in the Secretary-General's report. However, there are a number of issues that still need to be clarified. A potential host will have to be found, and its views will also have to be taken into account. At the same time, arrangements for imprisonment will have to be determined. Given the large number of suspects and possible lengthy sentences, imprisonment arrangements will be the heaviest long-term burden. We welcome the Secretary-General's intention to appoint an adviser on legal issues related to piracy off the coast of Somalia to address these pending issues and to study the feasibility of the options.

While we focus our attention on possible solutions to bring suspected pirates off the coast of Somalia to justice, we also need to pay attention to the fight against impunity in Somalia itself. Reports suggest that massive violations of human rights and international humanitarian law are committed in Somalia with full impunity. The establishment of the rule of law, accountability for crimes committed and a judicial system in Somalia will also require our sustained long-term efforts, especially as that needs to go hand-in-hand with the development of the institutions of the Transitional Federal Government.

Mr. Moungara Moussotsi (Gabon) (*spoke in French*): Before I proceed with my statement, allow me to express my country's great outrage and resolute condemnation of the attack against the Muna Hotel in Mogadishu, a cowardly act in which several Somali officials and prominent persons were killed.

Your country, Mr. President, deserves to be commended for its wise choice of the subject for this debate, namely, piracy off the coast of Somalia, which we believe to be a crucial component of the overall problem of the crisis in the country. I also thank the Secretary-General for his report submitted pursuant to resolution 1918 (2010) of 27 April (S/2010/394) and for his important statement this morning. I also welcome the very relevant statement made by Legal Counsel Patricia O'Brien, as well as the participation of the Permanent Representative of Somalia in this debate. Lastly, I should like to say that my country associates itself with the presidential statement read out earlier at this meeting.

The debate to which you have convoked us, Sir, reflects the express desire of the Council to develop a legal framework to punish those who commit piracy and armed robbery in the vast maritime area of the Gulf of Aden and beyond. My delegation's contribution to this debate will focus on two crucial points: the urgent need to put in place an inclusive legal

mechanism and the need for heightened involvement by the international community in resolving the Somali crisis in general and the problem of piracy in particular.

The report of the Secretary-General sets out various avenues conducive to eradicating the phenomenon of Somali piracy. Among the most important is the establishment of a legal mechanism to punish perpetrators. My delegation supports that approach and would like to underscore the need for such a mechanism to be placed under United Nations supervision so as to ensure its legitimacy and its inclusiveness.

Securing the Somali coast against acts of piracy and armed robbery, including the swift and effective punishment of perpetrators, requires very close cooperation among all stakeholders. The involvement of the United Nations in that process is all the more relevant both because of the Organization's expertise in the area of jurisprudence and because of the financial and technical resources it could provide to any legal mechanism to be established.

We welcome the considerable efforts that have already been made by the international community, in particular by the Security Council, with a view to overcoming the problem of piracy in Somalia. With regard to eliminating acts of piracy, we welcome the Council's adoption in recent years of resolutions 1816 (2008), 1846 (2008), 1897 (2009) and 1918 (2010). Those resolutions emphasize: strengthening international cooperation in legal investigations and prosecutions against perpetrators of acts of piracy; authorization of States involved in combating piracy to carry out naval operations in Somali territorial waters; and the need to bring to justice those who have committed acts of piracy.

In addition to those resolutions, we also have other regional and international legal instruments in place, including the Djibouti Code of Conduct concerning the repression of piracy, which was agreed under the aegis of the International Maritime Organization, and the United Nations Convention on the Law of the Sea. We welcome the efforts made by countries taking part in the naval operations that are being carried out primarily by the European Union and NATO. The regularity and effectiveness of those operations have made contributed to a significant decrease in the number of attacks against merchant ships off the Somali coast.

Gabon continues to believe that the problem of piracy should be addressed through a comprehensive strategy to resolve the Somali crisis. In that regard, the response of the international community should be commensurate with the many challenges facing the country. That response should also be the outcome of more active, coordinated and united cooperation among the stakeholders involved in the Somali crisis settlement process. Such a holistic approach will help us to understand that piracy is in fact the symptom of a wider and deeper phenomenon that poses a threat to peace and security not just in Somalia but in the entire Horn of Africa region.

In order to better respond to this regional concern, it is crucial to address the issue of strengthening the institutional capacities of the countries of the region. That includes the training of coast guards, improving judicial systems and setting up an effective mechanism for exchange of information. Once these capacities are in place, those countries will be able to ensure full control of their coastal areas and put set up appropriate national systems to control weapons and ammunition and to carry out patrols in their sovereign maritime spaces. The establishment by the United Nations of the International Trust Fund to meet expenses related to the pursuit and detention of pirates and to strengthening judicial capacities in the region and the work of the Contact Group are all part of a comprehensive response to the Somali problem.

It is therefore not difficult to understand why we emphasize the need to view the problem of piracy through the prism of insecurity on land in Somalia and political instability in that country, which are the root causes of the insecurity at sea. That is the approach that has been taken by the African Union in seeking to resolve this crisis. At Kampala in July 2010, African Union heads of State or Government reiterated their call for an international conference devoted to in-depth consideration of the causes of piracy and to launching a process ultimately leading to the adoption of an convention against this phenomenon.

I should like to conclude by underscoring the need for the international community to provide financial, human and logistic support for the African Union Mission in Somalia, one of whose tasks is to contribute to restoring the rule of law in the country. A

stronger international commitment to stabilizing Somalia and consolidating its judicial, security and administrative institutions will certainly contribute to improving the situation at sea and to establishing lasting peace in the Horn of Africa.

The President (*spoke in Russian*): I shall now make a statement in my capacity as the representative of the Russian Federation.

The situation in Somalia remains at the centre of the Security Council's — and the international community's — attention. Despite the efforts undertaken, including the significant African Union peacekeeping operation, the situation in the country remains unstable. Its long-term normalization requires a comprehensive approach, including the establishment of a broad and representative political process under the leadership of the Transitional Federal Government. There is also a need to bolster the effectiveness of regional peacekeeping efforts with appropriate international support.

One serious factor fuelling instability in Somalia and the subregion is the growing problem of piracy. Resolving this problem effectively is closely linked to achieving a comprehensive normalization of the situation in the country. In that regard, there is a need for concrete, independent efforts to suppress piracy, including through the prosecution of pirates. It is for this reason that the Russian Federation supported the adoption of resolution 1918 (2010) and the convening of today's meeting, which must lend momentum to further improving the legal means to fight piracy off the coast of Somalia.

I extend my thanks to the Secretary-General, Ms. O'Brien and the members of the Council for their valuable contributions to this discussion. We are grateful to the Secretary-General for his report (S/2010/394), which contains a detailed overview of the advantages and disadvantages of various options for organizing the prosecution of pirates, including the creation of special judicial bodies. In our view, this is a sound basis for further work.

We share the conclusion of the Secretary-General that resolving the issue of impunity is an important factor in combating the threat of piracy. If pirates continue to escape justice, this will encourage them to carry out ever more brazen acts. We agree that the final aim of international efforts in this regard should be to assist Somalia to build its capacity to prosecute those responsible for acts of piracy and enforce sentences.

We note the efforts of States, especially those in the region, and international organizations to bring pirates to justice. The report's figures on the number of pending piracy cases demonstrate some success in this field. At the same time, and mindful of the scale of the problem, we are forced to note that we are far from a successful solution. There are many cases in which detained suspected pirates have to be released, and not so much as a result of the lack of evidence but rather because of difficulties related to legal proceedings against pirates. Recent verdicts in piracy cases, including in States with developed judicial systems, demonstrate how complex this task can be as a result of, inter alia, the specificities of both legislation and standing legal practices. Currently, those brought to justice are mostly the rank-and-file perpetrators of pirate attacks, who are often engaged in piracy as a result of despair caused by poverty. In the meantime, pirate masterminds, the key figures behind this criminal activity, escape justice. This obvious gap must be filled — otherwise, we can expect no serious progress in the fight against piracy.

Regional States face the pressing problem of limited judicial and correctional capacities, which prevent them from finding appropriate responses at the national level. Kenya is a telling example in that regard. Investments into the development of the judicial infrastructure of that country are beginning to bear fruit, largely as a result of the support by the United Nations Office on Drugs and Crime, which we value highly. However, as highlighted in the Secretary-General's report, the region still does not have a strong partner ready to assume the main burden for prosecuting pirates. Attempts to share this burden have not, as of yet, yielded tangible results. As we analyse the emerging situation, we are increasingly convinced that a comprehensive settlement of the problem of pirates' impunity is impossible without expanding international participation.

We call for continued work on reinforcing the capacities of national law enforcement systems and value contributions by States and international organizations to finance such activity. At the same time, a point of principle for us is to keep on the agenda other options for the establishment of additional mechanisms for the prosecution of pirates. In our view, possible further steps in this area need to

be compared to the effectiveness of existing efforts. In that regard, we advocate regular progress assessments of legal proceedings against pirates in the national courts of regional and other States.

We welcome the intention of the Secretary-General to appoint a special adviser on legal issues related to piracy off the coast of Somalia.

The Russian Federation continues to believe that, from a long-term perspective, the best solution would be to set up an international judicial mechanism at the regional level, the competence of which would complement national jurisdictions. This option would not only provide for uniformity in the application of the law and ensure respect for the procedural rights of suspected pirates, but would also cover those individuals involved in piracy who are today beyond the reach of justice.

With regard to concerns related to a costly special counter-piracy court, we would like to point out that the costs related to its creation — currently estimated to be approximately $50-60 million — are significantly less than the current aggregate losses resulting from piracy — $15 billion annually, according to some assessments. We would like to see the Contact Group on Piracy off the Coast of Somalia continue to address this issue on the basis of, inter alia, the Secretary-General's report.

In conclusion, we urge States to continue to focus on the problem of the prosecution of pirates. An important task in that regard remains the effort to establish liability for acts of piracy in national legislation, as well as the stepping up of international cooperation in this area.

I now resume my functions as President of the Council.

Before giving the floor to the next speaker, I would like to inform the members of the Council and other participants that the presidency intends not to break for lunch. I now give the floor to the representative of Denmark.

Mr. Laursen (Denmark): I thank you, Mr. President, for giving the floor to Denmark. Denmark aligns itself with the statement of the European Union to be made later in this meeting. In addition to that, we have some comments to make.

Attacks by pirates operating from the waters adjoining the Horn of Africa region threaten regional security, the global economy and the security of seafarers. It is therefore necessary and legitimate for the international community, including the Security Council, to take action to repress this crime. The international community needs to work together to put an end to impunity for pirates. The prosecution of pirates ensures justice, both in its broader sense as well as concretely for seafarers who have been victims of piracy.

Ensuring that pirates are prosecuted is therefore in many ways a cornerstone of the international fight against piracy. Progress has been made, in part due to the effective work of the Contact Group on Piracy off the Coast of Somalia. At the same time, statistics show that still almost 60 per cent of the pirates apprehended or disrupted by warships in the region are not prosecuted. In other words, we still have work to accomplish. The issue of prosecution will therefore remain on the agenda of Working Group 2, on legal issues, of the Contact Group on Piracy off the Coast of Somalia.

Denmark welcomes the report of the Secretary-General (S/2010/394), which demonstrates the commitment of the United Nations, including of the Security Council, to contribute to putting an end to impunity for piracy suspects. The intention by the Secretary-General to appoint a special adviser is another demonstration of this commitment. As Chair of the Working Group on legal issues, Denmark looks forward to cooperating closely with all partners, including the Secretariat and the special adviser. We will invite the special adviser to participate in the next meeting of the Working Group, in October.

Let me now turn to the report of the Secretary-General. Denmark has studied the report closely — both in our national capacity and as Chair of Working Group 2. We agree with the solutions outlined for the prosecution of piracy in the report and are pleased to note that the outcome of the discussions in the Working Group is duly reflected in the report.

As I am sure the Council is aware, Working Group 2 has dealt substantially with the issue of the prosecution of pirates. Until now, the discussions in the Working Group have shown a preference for a possible mechanism where existing court chambers in one or more States in the region would be specifically

dedicated to the prosecution of pirates. This would be with extensive support from other countries and organizations, financially and with regard to personnel. This model also seems to be identified in the Secretary-General's report. In that context, it is important to commend the readiness and efforts of States in the region to prosecute piracy suspects. However, other States, and States in the region, must realize that they have a strong interest in facilitating the prosecution of pirates.

Finally, let me make the point that all States need to examine their own systems and take the steps necessary to ensure that their national legislation allows jurisdiction over Somali pirates — and then actually prosecute pirates within their own jurisdiction. In particular, the flag States of commercial vessels involved have a responsibility to consider how they might prosecute pirates. We should all be aware that many of the constraints hampering national prosecution will apply to any internationally supported prosecution mechanism, and that these have to be addressed regardless of the mechanism chosen for prosecution.

The President (*spoke in Russian*): I now give the floor to the representative of South Africa.

Mr. Sangqu (South Africa): We join others in thanking you, Mr. President, for organizing this important debate and for allowing us to participate. We also congratulate you on your presidency of the Council this month. Let us also thank the Secretary-General for his report (S/2010/394) and express our gratitude for the informative briefing provided by Ms. O'Brien.

The situation in Somalia poses a great challenge and is a source of concern with regard to the stability of the African continent in general and the Horn of Africa in particular. As South Africa has pointed out on numerous occasions, the issue of piracy off the coast of Somalia cannot, and should not, be addressed in isolation from the political, socio-economic and humanitarian situation in that country.

During the fifteenth session of the Summit of the African Union (AU), held in Kampala in July this year, the AU reaffirmed its support for the Transitional Federal Government (TFG) of Somalia and condemned, in the strongest terms, the terrorist attacks and violence perpetrated by Al-Shabaab and other armed groups against the TFG, the Somali people and the African Union Mission in Somalia (AMISOM). The Summit further condemned the despicable terrorist attacks against innocent civilians that were committed in Kampala on 11 July. It called on the entire international community to isolate, and take all required measures against, individuals, entities and States that are engaged in terrorist acts and whose actions are undermining the peace and reconciliation process in Somalia, as well as regional stability and international security.

Yesterday's tragic attacks in Mogadishu, resulting in the death and injury of innocent civilians and members of Parliament, are a manifestation of the ongoing crisis in Somalia. South Africa condemns those attacks in the strongest possible terms.

The AU has shown its commitment to the resolution of the Somali conflict by committing to strengthen AMISOM with additional troops. With this in mind, the Summit reiterated its call to the larger international community, especially the Security Council, to play its rightful role in bringing about peace in Somalia, including through the transformation of AMISOM into a United Nations peacekeeping mission. In that regard, the AU Assembly has called on the international community to mobilize resources commensurate with the magnitude of the challenges facing Somalia and the region.

Furthermore, resolutions 1816 (2008), 1838 (2008) and 1846 (2008) on the situation in Somalia are illustrative of efforts to combat piracy. It is important to note, however, that General Assembly resolution 63/111, on oceans and the law of the sea, as well as the Council resolutions I have just mentioned, emphasize that those "apply only to the situation in Somalia and do not affect the rights, obligations or responsibilities of Member States under international law" (*resolution 63/111, para. 66*).

Turning to the issue of combating piracy in Somalia, allow me to make a few points. The African Union and South Africa have reiterated that piracy off the coast of Somalia is but a symptom of the broader peace, security, development and humanitarian challenges that have afflicted Somalia for many decades now, and that have, unfortunately, been consistently ignored by the international community.

The piracy situation in Somali waters and the high seas can only be addressed in the context of seeking peace and security on land. Finding a political solution to the conflict in Somalia and establishing peace and security should therefore be the ultimate aim

in addressing and achieving a holistic and durable solution to the challenge posed by piracy. Such a holistic solution can be achieved by strengthening and extending the authority of the TFG, especially its police and security capacity, by continuing diplomatic and military efforts against spoilers and by once more kick-starting in earnest the political peace process in Somalia based on the Djibouti process.

Among other factors, pirates have in particular invoked as justification for their actions the illegal fishing carried out in Somali territorial and exclusive economic zone waters by foreign ships, and the illegal dumping of toxic waste off the coast of Somalia. All Member States and international corporate citizens should therefore observe their obligations in conformity with international maritime law and desist from illegally exploiting the natural resources of Somalia or committing illegal dumping activities. Additionally, as many have pointed out, under article 100 of the United Nations Convention on the Law of the Sea, all States have a duty to cooperate in suppressing piracy on the high seas near Somalia.

Continued support for AMISOM is therefore indispensable in order to help the Government resist the military challenge confronting it. However, I reiterate that the Security Council must fulfil its responsibility, as mandated in the Charter, to maintain international peace and security. We look forward to the deployment of a United Nations peacekeeping mission that can eventually take over from the African Union Mission in Somalia. The Security Council cannot continue to avoid the question of Somalia. The Council's primary mandate includes making peace take root in Somalia, and in a manner that the Council has expressed to the African forces in AMISOM.

The international community has committed millions of dollars to create an international naval presence in and around Somali waters. While this investment is to be welcomed, it is also important that investment be made in establishing a coastguard capacity under the control of the TFG, and to empower national law enforcement agencies to perform policing duties that could act as a deterrent to would-be pirates.

Lastly, the African Union decision to prohibit the payment of ransom, taken at its thirteenth Summit in 2009 and reiterated again at the latest Summit, should be adhered to, since this is one of the main forms of funding for such groups. It is widely acknowledged that paying ransom perpetuates the problem, as it helps fund more illegal activities on both land and sea. In that regard, the focus should instead be on creating income-generating opportunities in coastal villages as an alternative to the lucrative opportunities associated with piracy.

South Africa also feels it is important that the best and most appropriate mechanisms, at the national, regional and international levels, be established and implemented, so that pirates can feel the force of the full prosecution and might of international law, as suggested in the report of the Secretary-General.

In conclusion, addressing piracy around Somali waters in a lasting manner will require a combination of political, socio-economic and security strategies to yield the desired effect. Focusing exclusively on one, without the others, is doomed to yield limited success, or at best success in the short term only.

The President (*spoke in Russian*): I now give the floor to the representative of Norway.

Mrs. Smith (Norway): First of all, I would like to join others in expressing our deepest condolences to those affected by the violent attack in Mogadishu yesterday.

Every twentieth ship passing through the Gulf of Aden is Norwegian-owned. To fight the increasing problem of piracy, Norway is actively engaged in all relevant international forums. Our goal is to offer greater protection to ships and their crews and to support those engaged in the prosecution and incarceration of pirates.

Norway puts great emphasis on supporting African solutions to the piracy problem. I wish in particular to thank the Governments of Kenya and Seychelles for their leading roles. Other States are preparing their own welcome contributions. Those States deserve recognition for their efforts.

Impunity for piracy sends the wrong signal. It is simply unacceptable that suspects are released when there is sufficient evidence against them. Moreover, this undermines the credibility and effectiveness of the naval presence. Pirates must be brought to justice in accordance with widely recognized principles of due process and applicable human rights.

Norway appreciates the Council's engagement on this issue. We strongly welcome the report of the

Secretary-General (S/2010/394), which once again confirms the magnitude and urgency of the problem. Ideally, Somalia should prosecute and imprison its own pirates. In parts of Somalia, this is already the case, and such domestic efforts should be encouraged. Nevertheless, extradition to Somalia is not yet an option. We thus need well-functioning, alternative mechanisms for the prosecution of pirates.

Our point of departure is that the prosecution and incarceration of pirates should take place in the region, close to where the actual act of piracy is committed. There are several reasons for this. First and foremost, there are the preventive and deterrent effects of prosecution and imprisonment. In addition, cultural, linguistic and family considerations are strong arguments. Cost-effectiveness and practical aspects are also important.

We strongly believe in financial burden-sharing. Norway has already contributed €500,000 to the Contact Group Trust Fund. Today I would like to announce that we will double our contribution to the Fund. We encourage all affected States to follow suit to ensure that the Fund can continue its ambitious work. Norway believes that the Trust Fund should be spent primarily on building the capacity of the justice sector in States in the region that accept pirates for prosecution. The Fund should also be spent on projects in States that announce their willingness to prosecute pirates. In addition, the Trust Fund should be used to strengthen the justice sector in Somalia. In the short term, the prison sector is being upgraded to make it possible for pirates convicted elsewhere to serve their sentences in Somaliland and Puntland.

In Norway's view, enhancing prosecution in existing judicial systems of States in the region is the best option. It promotes burden-sharing, it strengthens the justice sector and it prevents the creation of a two-tier system in which pirates are treated differently from other criminals.

Norway will continue to follow this matter closely.

The President (*spoke in Russian*): I now give the floor to the representative of Ukraine.

Mr. Tsymbaliuk (Ukraine): My delegation aligns itself with the statement that will be delivered on behalf of the European Union. On behalf of the delegation of Ukraine, I would like to thank you, Sir, for holding this important meeting and for having invited Ukraine to participate.

Our appreciation also goes to the Secretary-General for the presentation of his report on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia (S/2010/394).

Ukraine welcomes the actions that have been consistently taken by the Security Council to counter maritime piracy off the coast of Somalia. The document before the Security Council today details possible options for effectively prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia. As a participant in the Contact Group on Piracy off the Coast of Somalia, my country attaches high importance to the fact that the work of the Group has been taken into account in the report of the Secretary-General.

Ukraine supports the idea of enhancing United Nations assistance to build the capacity of regional States to prosecute and imprison persons responsible for acts of piracy and armed robbery at sea and commends the efforts which have been undertaken by Member States and relevant United Nations agencies to that end.

At the same time, my country stands ready to actively participate in further discussion on possible establishment of an international or a regional-national mechanism with an international element aimed at bringing pirates to justice and providing sufficient imprisonment arrangements.

During the general debate of the General Assembly at its sixty-fourth session, Ukraine urged the international community to redouble practical efforts to fight piracy at sea (see A/64/PV.4). A number of proposals have been put forward by my country to this end, some of which, like the one addressing the problem of piracy in a broader manner in the framework of the General Assembly, have already been successfully implemented.

It should be recalled that the informal plenary meeting of the General Assembly on maritime piracy held on 14 May 2010 showed the value of such comprehensive discussions and made a solid contribution to international efforts to combat piracy and armed robbery off the coast of Somalia in a

holistic manner, covering the political, security, governance and humanitarian needs of the country.

Pirate attacks have become a huge problem for the entire world. Gaps in international law are making it even more difficult to tackle this issue. In most cases, foreign navies disarm and release pirates. It is obvious that the need for an effective legal framework applicable to combating piracy and armed robbery at sea remains significant. Ukraine commends those States that have amended their domestic law to criminalize piracy and facilitate the prosecution of suspected pirates in their national courts, consistent with applicable international law, including human rights aspects.

At the same time, the domestic law of a number of States lacks provisions criminalizing piracy and lacks procedural provisions for effective criminal prosecution of suspected pirates. In our view, the lack of an international legal agreement on how to prosecute Somali pirates undermines the effort to eradicate piracy in the region. Our country therefore intends, at the sixty-fifth session of the General Assembly, a draft comprehensive convention on combating piracy and armed robbery at sea. We hope that in doing so we will contribute to the process of fighting impunity at sea.

The President (*spoke in Russian*): I now give the floor to the representative of Kenya.

Mr. Muita (Kenya): I thank you, Sir, for giving me this opportunity to address the Council on the problem of piracy.

At the outset, my delegation wishes to condemn in the strongest terms the terrorist attack that took place in Mogadishu yesterday and left dozens dead, including members of the Somali Transitional Federal Government (TFG). This attack, in our view, demonstrates the very grave situation in which that country finds itself. The issue of piracy is but one reason that the international community needs to undertake a very broad, concerted effort to stabilize Somalia.

Piracy has turned out to be a complex and persistent problem that is rapidly mutating into a many-headed monster, with implications in many areas, including trade, the cost of doing business, terrorism and money-laundering, to name but a few. The incidents of piracy off the coast of Somalia have a negative impact on the economies of the countries of the region. The disruption of sea trade has driven up insurance and shipping costs, thus affecting the competitiveness of businesses. At the same time, the tourism sector is affected, as the threat from pirate hijacking scares away cruise line operators.

The Government of Kenya believes that the problem of piracy requires a more coordinated and holistic approach. This should be informed by the principles of fairness and shared international responsibility. In the fight against piracy, which is an international problem, we should seek to encourage all members of the global community to play their respective roles in order to support the institutional capacity of Somalia.

Although the international community has exerted efforts in addressing the problem of piracy, we believe that more attention needs to be focused on this matter. In this regard, we welcome the recent adoption of Security Council resolution 1918 (2010) and hope that further efforts by the international community towards the recognition of the problem in the direction indicated in that resolutions will be intensified.

Kenya wishes to commend the work undertaken by the Contact Group on Piracy off the Coast of Somalia. This is an important international contribution to the fight against piracy. Of equal importance is the newly established International Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia. The Trust Fund has an immense potential to support the efforts of States engaged in the fight against piracy.

Acts of piracy under customary international law have always been treated as crimes of universal jurisdiction, enabling any State to seize pirates anywhere in international waters and to try them. In this regard, the Security Council has adopted several key resolutions aimed at addressing the issue of piracy, including resolution 1846 (2008), which authorizes naval ships deployed for anti-piracy patrols to enter the territorial waters of Somalia and undertake all necessary measures that are appropriate in Somalia, and resolution 1851 (2008), which authorized action on land. It would be prudent to focus the piracy efforts on the Somali coastal areas so as to target the pirates while they are breaking out to sea. That would limit the sea area to be kept under surveillance.

Payment of ransom by ship-owners is one of the major factors contributing to the increased incidence of piracy. A strong United Nations anti-piracy policy should include a uniform and deliberate response to demands for ransom, in order to avoid the individual panic-driven reaction by ship-owners that is seen today.

The legal framework for efficient, credible and timely trials ashore of arrested piracy suspects needs to be worked out by the United Nations and enunciated. Current arrangements, which have seen pirates handed over and tried in Kenya and in neighbouring States, place a heavy burden on those countries and are clearly untenable in the long run. The issue of better processes and mechanisms for ensuring prosecution of suspected pirates and the imprisonment of convicted ones is extremely important. We have taken note of the recommendations of the Secretary-General on the various options aimed at addressing the issue and look forward to future engagement on the best option to adopt.

Somali piracy will not be eradicated until stability takes hold in the country itself. Somali piracy is directly tied to the failure of the institutions of governance of the Somali State. Any comprehensive solutions to piracy, therefore, will have to involve operations on the ground to stabilize the State itself, as well as to unsettle pirate sanctuaries and destroy the international pirate infrastructure. In seeking a definitive solution to the piracy issue, it is thus important that we aim at a durable solution to the political situation in Somalia, including addressing the socio-economic issues that have made piracy an attractive means of livelihood for Somalia's youth. In this regard, we would urge more robust engagement from the international community to help Somalia return to normalcy.

In conclusion, I wish to assure the Council of Kenya's firm commitment to all regional and international efforts that seek to address the problem of piracy off the coast of Somalia and to find sustainable peace and stability in that East African country.

The President (*spoke in Russian*): I now give the floor to Mr. Peter Schwaiger, Chargé d'affaires of the delegation of the European Union to the United Nations.

Mr. Schwaiger: Thank you, Mr. President, for giving the floor to the European Union (EU). The candidate countries Turkey and Croatia and the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as the Republic of Moldova, Georgia and Ukraine, align themselves with this declaration.

At the outset, let me express our strongest condemnation of the terrible attack that took place yesterday in Mogadishu. Let me also express our condolences to the Permanent Representative of Somalia, to the Somali federal institutions, to the Somali people and to the families of the victims.

The European Union is fully committed to fighting piracy off the coast of Somalia in the framework of a comprehensive strategy where the ownership of regional States is crucial because they suffer the main consequences of piracy. The EU High Representative, Lady Ashton, visited the region in May to confirm that the European Union will support the region's own efforts in coming up with solutions to counter piracy and taking leadership in that regard. Recently, the European Union supported the first regional workshop on piracy for Eastern and Southern Africa, organized by the Common Market for Eastern and Southern Africa and the Indian Ocean Commission and held in Seychelles on 19 and 20 July. This workshop demonstrated real regional solidarity and emerging ownership. We look forward to the second ministerial meeting, which will take place in Mauritius in October, where the regional countries are expected to present and endorse a strategy and action plan on piracy. The EU has already expressed its readiness to play a proactive support role by contributing to the implementation of such a regional strategy.

One important aspect of fighting against piracy is effective prosecution of suspected pirates captured in the course of operations. We are grateful to our partners in the region, who are showing leadership in this respect. The EU has been providing assistance to Kenya since May 2009, and since early 2010 also to Seychelles, to cope with the extra demands placed on their judicial systems as a result of receiving and prosecuting transferred piracy suspects. These programmes are implemented by the United Nations Office on Drugs and Crime. This is an example of successful coordination and cooperation among the EU, the United Nations and regional countries, but there certainly is room for further action. The EU will continue to offer support to other States in the region

affected by piracy to help develop their judicial capability as envisaged in the Djibouti Code of Conduct. We encourage further contributions from States to the International Trust Fund to Support Initiatives of States Countering Piracy.

We also hope that conditions in Somalia will improve, so as to enable Somali authorities to progressively take on more responsibilities in prosecuting pirates. The European Union specifically supports this perspective, including through rebuilding prisons and supporting judicial processing, which are part of a wider response programme financed by the European Union in the area of rule of law and security. Additional support measures could also be considered in the future, depending on the anti-piracy commitments of relevant actors.

The EU is also working on maritime capacity-building at the regional level in close coordination with other international partners, in particular the International Maritime Organization, in order to help regional coastal states to better respond to piracy and armed robbery against ships, as well as to other threats to maritime security and safety. We commend the work of Working Group 1 of the Contact Group on Piracy off the Coast of Somalia and its efforts to coordinate and prioritize contributions to building regional counter-piracy capacity in the region.

While a lot has been done, the fight against piracy is far from being concluded. We need to find an effective solution for the prosecution and detention of pirates which ensures compliance with international human rights law, and we urge countries in the region to assume collective responsibility for combating piracy. A sustainable solution should also include measures to ensure that those who plan, organize and finance acts of piracy are brought to justice.

We welcome the Secretary-General's continued engagement in the fight against impunity for those responsible for acts of piracy, and we are studying with interest his valuable report (S/2010/394) on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy. These options, as also presented in detail by Ms. O'Brien, the Legal Counsel, clearly need further consideration taking into account current practices and the long-term perspective. We look forward to the outcome of today's debate and to further discussing the matter in the Contact Group as well, taking into account the information provided by the Secretary-General in his report. In this context, we stress the important role of Working Group 2 of the Contact Group and express appreciation for its activity.

Operation Atalanta has been successful in implementing its mandate. It is, however, recognized that such naval operations and subsequent prosecution and detention of captured pirates represent only one aspect of the fight against piracy. More attention needs to be paid to comprehensive solutions dealing with root causes of piracy within Somalia. As a complement to efforts combating piracy at sea, the initiatives on land in Somalia should very much focus on strengthening the Transitional Federal Institutions and, where appropriate, regional administrations and local communities in order for them to deliver necessary services to Somali people. The EU Training Mission is part of this effort. Further support is needed to improve the judiciary and custodial sectors in Somalia, as well as to fight poverty.

In this perspective, the ongoing development initiatives devoted to improving the underlying socio-economic situation that gives rise to piracy play an important role and should be strengthened. It is important that land-based efforts remain one of our priorities when addressing counter-piracy activities in a holistic way. The EU, as part of its already comprehensive engagement in Somalia, calls on all partners to further strengthen and coordinate their support in the fight against piracy, including by enhancing their initiatives on land.

The President (*spoke in Russian*): I now give the floor to the representative of Singapore.

Mr. Lim Yoon Boon (Singapore): The delegation of Singapore would like to express its sincere appreciation to the President of the Security Council for organizing this open debate on piracy off the coast of Somalia.

Over the past few years, significant progress has been made by the international community in tackling the scourge of piracy in the Gulf of Aden and off the coast of Somalia. That demonstrates the important roles that user States and other stakeholders can play to complement the efforts of littoral States in combating piracy and ensuring the safe and secure transit of ships through key sea lanes. It also reflects the reality that no single State acting on its own has the necessary capacity to solve the complex security challenges that

we face today. As such, international and regional cooperation, carried out in accordance with international law, is necessary.

As a major maritime nation, Singapore shares the concerns of the international community regarding the situation in the Gulf of Aden. We fully support the ongoing efforts by both the United Nations and the International Maritime Organization to address the piracy situation there. Aside from actively participating in the work of the Contact Group on Piracy off the Coast of Somalia, Singapore has also deployed military assets, including our landing ship tanks and Super Puma helicopters, to Combined Task Force 151 to help patrol the Gulf of Aden. This year, we were honoured to take command of Combined Task Force 151 from 20 January to 21 April. We will soon deploy a maritime patrol aircraft this year to assist in surveillance operations in the Gulf. Those efforts demonstrate our commitment to helping to ensure the security of key sea lanes.

While these seaward operations by various countries have gone some way in helping to deter the threat of piracy in the Gulf of Aden, it is clear that a permanent solution will not be possible without addressing issues on land, such as the prosecution and imprisonment of captured pirates. In that connection, the Secretary-General's report on the options regarding the prosecution and imprisonment of pirates is timely (S/2010/394).

Singapore is of the view that the international community should study which of the options outlined in the report are the most practical, cost-effective and time-efficient in terms of implementation. The deliberation over the various options should also not preclude the complementary nature of both the international and regional approaches to piracy prosecution or the continuation of efforts to build the capacity of the States in the Gulf of Aden, which is listed in option 1 of the report. As noted in the report, that option has already achieved some success in that respect. We also encourage the Transitional Federal Government of Somalia to redouble its efforts at reconciliation to find lasting peace, security and stability in Somalia.

The President (*spoke in Russian*): I now give the floor to the representative of Seychelles.

Mr. Jumeau (Seychelles): May I start by expressing Seychelles' condolences to the Ambassador, the people and the Transitional Federal Government (TFG) of Somalia over the loss of life from the bomb attack in Mogadishu yesterday, as well as my country's strong condemnation of the attack.

I am pleased to inform the Security Council that, on 26 July, the Seychelles Supreme Court convicted 11 Somali pirates and sentenced them to 10 years in prison, which is the first time pirates were convicted by a Seychelles court of law. Moreover, only eight of the pirates were found guilty of actually committing an act of piracy. The other three were convicted of aiding and abetting piracy after Seychelles amended its domestic laws so that a person does not have to be caught in an actual act of piracy to be arrested and successfully prosecuted. Another 29 suspected pirates are awaiting trial in Seychelles or transfer to Somalia.

These events underscore Seychelles' determination and firm commitment to playing a proactive role in combating, arresting, prosecuting and imprisoning pirates. We hope it will also serve as a further example that, as has also been shown by Kenya, piracy can be tackled through domestic legislation where there is the political will and courage to do so.

But this is not the only way in which Seychelles, the smallest country in Africa and the Indian Ocean, and one of the States most heavily impacted by piracy in the region, has shown its willingness and determination to lead from the front. Since the General Assembly's informal meeting on piracy in May this year, Seychelles has hosted no fewer than four international and regional meetings of ministers, parliamentarians and technical and military experts to, among other things, spearhead a regional approach to tackle piracy in the Indian Ocean.

This process started on 21 May when ministers from six Eastern and Southern African countries, the European Union High-level Representative for Foreign Affairs and Vice-President of the European Commission and representatives of the African Union, the Common Market for Eastern and Southern Africa (COMESA), the Indian Ocean Commission (IOC), INTERPOL and the United Nations Office on Drugs and Crime (UNODC) met in Seychelles to lay the foundations for a regional plan to combat piracy. That meeting was followed in July by the Seychelles International Symposium on Maritime Security, which included the participation of a representative of the Secretary-General, the African Union Commissioner

for Peace and Security and representatives of the World Bank, the International Maritime Organization and countries and organizations from both inside and outside the Indian Ocean region.

July also saw Seychelles host the fifth regional meeting of the African, Caribbean and Pacific States-European Union Joint Parliamentary Assembly, which looked at piracy, among other issues, and a joint COMESA-IOC workshop that started work on the nuts and bolts of a regional plan of action. As you can see, Mr. President, Seychelles is firmly committed and determined to do as much as it can within the limits of its resources and with the much-valued support and assistance of partner countries and organizations.

In the past three months, a number of these partners — in particular the UNODC, the European Union, the United Kingdom, the United Arab Emirates, India and Germany — have responded to Seychelles' initiatives with generous offers of support in the form of technical assistance, capacity building, the building of infrastructure and the provision of funding and equipment, for which we are deeply grateful.

The Summit of Heads of State and Government of the Southern African Development Community (SADC) held in Windhoek, Namibia, last week noted the economic and security threat posed by piracy in the coastal waters of SADC member States. It also mandated its secretariat to send a team of experts to establish the extent of the problem and recommend appropriate measures.

Seychelles calls on the international community to provide generous support for the regional plan of action, which is well on its way to being approved by countries of the region and key international partners. A well-supported regional plan will encourage more countries in and around the Indian Ocean to play a more active role in combating, prosecuting and imprisoning pirates. It will also relieve international partners from outside the region of some of the high costs of stationing naval and other military units in the Indian Ocean.

Finally, as the Security Council considers the various options put before it by the Secretary-General to more effectively bring pirates to justice, I must recall that the current rough seas of the south-east monsoon in the Indian Ocean will die down towards the end of September, when there will once again be an upsurge in pirate activity off the coast of Somalia, reaching as far south as Madagascar and as far east as Maldives and India.

Seychelles has meanwhile used the lull in pirate activity caused by the bad weather to show that a lot can be done to combat piracy by the region itself, and within the boundaries of domestic law, if there is the political will and commitment to do so, accompanied by the necessary international support and solidarity.

The President (*spoke in Russian*): I now give the floor to the representative of the United Republic of Tanzania.

Mr. Seruhere (Tanzania): At the outset, I would like to thank the Secretary-General for his comprehensive report (S/2010/394) on possible options to further the aim of prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia.

The United Republic of Tanzania recognizes that the United Nations has the responsibility to address the problem of piracy and armed robbery at sea off the coast of Somalia. We are pleased to see that the Security Council is actively seized of the matter, and we welcome actions taken so far by the Council in order to combat piracy and armed robbery at sea off the coast of Somalia. Piracy and armed robbery off the coast of Somalia and in the Gulf of Aden continue to constitute a threat to international peace and security in the region. This is an issue of great concern to the United Republic of Tanzania.

The problem of piracy has gained a global character. No region of the world is immune to it, and all manner of other crimes can spin off from it. International efforts have yielded some success, but we need to do more and adopt a comprehensive approach. We are witnessing the expansion of piracy further off the coast and from the northern to the southern waters of the Indian Ocean. These developments demand a coordinated approach and a coherent, comprehensive and integrated response which includes political, military, financial and legal support. The United Nations and the international community should work closely with the African Union, members of the Intergovernmental Authority on Development and other neighbouring States to suppress acts of piracy and apprehend and prosecute those who commit this crime.

We also need to address the causes of piracy. The absence of a functioning Government in Somalia threatens regional security and provides freedom of action for those engaged in piracy along the Somali coast. Sustaining peace and stability on land in Somalia and re-establishing effective Government authority in the country are essential for a long-term solution to piracy.

We must also ensure that pirates, once captured, are brought to justice. In the United Republic of Tanzania, we have recently amended the criminal code to allow our courts to prosecute suspected pirates under universal jurisdiction. We also appreciate the contributions of other countries in the region, in particular Kenya and Seychelles, for taking the lead in bringing pirates to justice. We call upon the international community to enhance the prosecution and custodial capacities of these and other States as well as to agree to share with affected States post-prosecution custodial responsibilities.

In conclusion, we welcome the range of options that have been proposed by the Secretary-General for combating piracy and armed robbery off the coast of Somalia. A combination of approaches should be applied to deal with the problem. There should be shared responsibilities to prosecute and imprison persons responsible for acts of piracy and armed robbery at sea and a United Nations mechanism that would suppress and prevent piracy and armed robbery off the coast of Somalia in the longer term, including by addressing the root causes of piracy and related crimes.

We reaffirm the strong commitment of the United Republic of Tanzania to the efforts of the Security Council in countering piracy and armed robbery on and off the coast of Somalia.

The President (*spoke in Russian*): I now give the floor to the representative of India.

Mr. Ray (India): Let me begin, Mr. President, by thanking you for organizing this meeting. We thank the Secretary-General and the Legal Counsel for the report (S/2010/394) submitted to the Security Council pursuant to resolution 1918 (2010).

India has committed its full support to international anti-piracy efforts. We have a naval ship deployed in the Gulf of Aden which has successfully thwarted several piracy attempts and provided security escorts to merchant marine ships in these waters. India is also a founding member of the Contact Group on Piracy off the Coast of Somalia.

Several military groups and independent navies are operating off the Horn of Africa and in the Gulf of Aden. Despite this, the number of pirate attacks in the region continues to be high, though success rates have declined. With the increased presence of international naval forces off the coast of Somalia and in the Gulf of Aden, pirates have moved to other areas and increased pirate activity has been witnessed in the larger Indian Ocean area outside the Internationally Recommended Transit Corridor. India has therefore called for better coordination of international efforts for escorting merchant ships and patrolling in the region, preferably under the aegis of the United Nations.

Ensuring sound and prompt prosecution of piracy suspects and their imprisonment subsequent to trial is critical to prevent impunity and to deter further attacks. Naval operations against pirates cannot fully succeed if the suspects apprehended by navies are released without proper prosecution, because such persons tend to return to piracy. Several approaches, including recourse to bilateral memorandums of understanding with countries in the region for prosecution and incarceration, have been tried. These, however, have not been entirely successful because of the lack of capacity and resources to prosecute and incarcerate. There are legal issues of jurisdiction too.

India has welcomed efforts to counter piracy through the enhancement of regional cooperation and capacity building of littoral States. Any effort for prosecution and imprisonment of pirates cannot succeed without the effective involvement of the States in the region. The issue of imprisonment of convicted persons can be best addressed by building prison infrastructure in the region, ideally in Somalia. It is also important to ensure that sustained and predictable financing is available to the host States to handle the financial burden of prosecuting and imprisoning convicts over long durations.

The seven options mentioned in the Secretary-General's report were also discussed in Working Group 2 of the Contact Group on Piracy off the Coast of Somalia, which deals with legal issues. The option of an international judicial tribunal under Chapter VII of the Charter did not find much support in these discussions. In our view, the establishment of a special

chamber within the national jurisdiction of a State or States in the region with United Nations participation, mentioned as option 4 in the Secretary-General's report, could be a suitable option. This option could be dovetailed into the ongoing assistance programmes of the United Nations extended to regional States to build capacities for prosecution and imprisonment of pirates mentioned under option 1. These programmes, as noted in the Secretary-General's report, have achieved some success. United Nations assistance could focus on the three main components of legal reform, capacity-building for prosecution and improvement of prison infrastructure for the host regional States.

Besides being cost effective, this approach would be relatively easier to implement as it would utilize an existing jurisdiction with established crimes and procedures. The regional proximity would be useful for the purpose of the transfer of suspects by patrolling naval States and the transfer of those convicted to third States for imprisonment. While the financial assistance provided to the regional States for capacity-building could be drawn from the International Trust Fund, the remaining funding needs could be met from United Nations assessed contributions.

Universal jurisdiction over piracy has been accepted under international law for many centuries. All States may both arrest and punish pirates, provided, of course, that they have been apprehended on the high seas — including exclusive economic zones — or within the territory of the State concerned. As highlighted in the report of the Secretary-General, a State can assume jurisdiction over acts of piracy carried out in open seas and the exclusive economic zone in cases where they have an interest, for example where their flag vessel has been attacked or their nationals are victims.

The General Assembly has called upon States to take appropriate steps under their national law to facilitate the apprehension and the prosecution of suspected pirates. The Security Council, in resolution 1918 (2010), noted that the domestic law of a number of States lacks provisions criminalizing piracy and/or procedural provisions for effective criminal prosecution of suspected pirates.

It follows that whenever there is a national law and a State is interested in prosecuting suspected pirates under its national law, the State must be allowed to do so despite the establishment of a special chamber with United Nations participation. Accordingly, any special chamber created within the national jurisdiction of a State or States with United Nations participation should be complementary to the national criminal jurisdiction. Therefore, the special chamber that would be created under option 4 should be complementary to national jurisdiction to try the crime of piracy.

We have a strong interest in this subject. We have a coastline of over 7,500 kilometres. A large part of India's trade is transported through these waters. More than 11 per cent of all seafarers engaged by international shipping companies are Indian nationals, and some of them have been taken hostage by Somali pirates. We would therefore be happy to contribute to any international efforts aimed at increasing effective cooperation among States to tackle the growing threat of piracy and armed robbery at sea.

Before I conclude, I would like to offer my condolences on the recent attacks in Mogadishu and in the Democratic Republic of the Congo and to also salute the memories of three Indian peacekeepers who died in hand-to-hand combat under the United Nations flag, two weeks ago, in the Democratic Republic of the Congo.

The President (*spoke in Russian*): I give the floor to the representative of the Philippines.

Mr. Sorreta (Philippines): Thank you, Mr. President, for convening this very important and timely debate on the situation in Somalia, particularly the scourge of piracy that currently plagues the coast of Somalia. I would also like to thank the Secretary-General and the Legal Counsel for sharing their very useful thoughts on this issue.

Beyond ships and cargoes, there is the crew. In all, 46 ships with Filipino crew members have been taken by pirates, with almost 500 Filipinos having been taken hostage. Many have suffered from prolonged captivity, some for as long as 10 months. It is testimony to their courage, clear thinking and fortitude that they have survived. It is a tribute to their resilience and that of their families that many have been able to return to the sea.

The security, protection and welfare of Filipino seafarers have always been primary concerns of the Philippine Government — concerns which I am sure are shared by others with nationals serving on these

ships. The Philippines is the prime source of international seafarers. Filipinos are on almost every ship on almost every ocean. They form the backbone of the international crews of transoceanic vessels.

We believe that broader cooperation is key to fighting piracy, and it is in this context that we welcome the report of the Secretary-General (S/2010/394). The Philippines works closely with ship principals and manning agencies to secure the safe release of Filipino seafarers. We meet regularly with ship owners and operators to discuss and implement efforts to protect the crews and ships that ply these pirate-infested waters. We have reinforced safety and precautionary measures and crisis management training for Filipino seafarers. We are engaging in bilateral cooperation to improve this training capacity.

We are keen to improve cooperation in the prosecution of Somali pirates. Last year we made available four Filipino seafarers as witnesses in a piracy trial in Kenya against captured pirates. We are grateful to Kenya for accepting jurisdiction over this crime, as well as to Seychelles and others that are considering doing so.

We are glad that cooperation continues in terms of the presence of multinational naval forces that patrol and assist ships off the coast of Somalia. We are grateful to the United States, the United Kingdom, France, Russia, China and other countries that have sent naval forces to the area to protect ships sailing through those waters. In several instances, these ships have helped our merchant vessels and seamen once they were released, by providing fuel and aiding in navigation.

The best management practices developed by the International Chamber of Shipping and the International Shipping Federation to deter piracy in the Gulf of Aden and off the coast of Somalia remain the best proactive measure for merchant ships to adopt when traversing that area. Notwithstanding the strong recommendation to adopt the best management practices, approximately 30 per cent of the world's fleet continues to disregard it. In our view, the shipping companies which refused to adopt the best management practices should be identified in order to allow Governments like that of the Philippines to adopt appropriate measures to protect their nationals.

It is in the context of this need for broader cooperation that the Philippines expresses the hope that it can play a more meaningful part in the work of the Contact Group on Piracy off the Coast of Somalia. The number of piracy incidents, if not restrained, is projected to grow as the weather improves. Piracy is no longer confined to the Gulf of Aden, but has extended to the wider Indian Ocean. Buoyed by their initial successes and in some cases impunity from prosecution, Somali pirates have converted their crude activities into a highly lucrative industry.

Piracy, we agree, is a grave threat to international security, and we join others in citing the importance of addressing its root causes through comprehensive approaches. We are grateful to the many countries involved in and committed to this task. By uniting our efforts and intensifying our cooperation, we can make the Gulf of Aden and the wider Indian Ocean safe again for navigation.

Even as we sit here and debate, 81 Filipino seafarers remain in the clutches of Somali pirates. We pray for their safe release and hope that our actions today will somehow help and will lead to their freedom and to preventing others from suffering the same fate.

The President (*spoke in Russian*): I give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): At the outset, I wish to join other speakers in condemning the attack on high Government officials in Mogadishu and expressing our sympathies to their families.

I take this opportunity to thank the presidency of the Security Council for organizing this important discussion. We would also wish to express our appreciation to the Secretary-General for his report on possible options for countering piracy through prosecuting and imprisoning persons responsible for acts of piracy and armed robbery at sea, including, in particular, options for creating special domestic chambers possibly with international components, a regional tribunal or an international tribunal and corresponding imprisonment arrangements (S/2010/394). We also welcome his proposal for a special adviser.

Piracy has become a major challenge in the contemporary world, and its implications, especially to sea-borne trade, are immense. We believe that it is important in the battle against this scourge to share the modalities and options for prosecuting and imprisoning pirates, including for imprisonment in third countries

and for essential capacity-building in the States concerned. As a matter of importance, we also believe that the experience and the capacity to deter and counter piracy can be effectively shared.

Piracy has had a dire effect on the political, social, economic and humanitarian fabric of Somalia. In addition to the Somali coast, piracy has made its presence felt further afield, with the potential to spread even further. Somali pirates have now become extremely sophisticated and are operating deep into the Indian Ocean, utilizing mother ships for launching their attacks. If this threat is not effectively contained now, it will encourage other criminals to engage in piracy to achieve their own ends.

It also becomes a distinct possibility that terrorists with naval capabilities could resort to piracy. Due to gaps in the countermeasures undertaken at present and to piracy's lucrative financial advantages, piracy could soon spread its vicious tentacles to other regions, endangering sea lanes and global communications. International commerce will be forced to bear an additional and costly burden, including through the adoption of additional protective measures, increased insurance coverage and the diversion of ships to other, longer routes.

Today, countering piracy is central to nations dependent on seaborne commerce, in particular those dependent on the sea for their energy needs. Efforts to counter piracy at the regional level and through coalitions do not appear to have succeeded in overcoming this menace. Despite the existence of a 24-nation naval task force, Somali pirates continue to harass ships, although the number of incidents appears to have decreased. A collective and more dedicated international effort must be made to deal with this problem and ensure that the global community is rid of it.

We believe that there is much that can be done at the national and international levels to achieve success. Piracy originates on land, and anti-piracy measures must begin on land as well. In addition to deploying naval deterrence, anti-piracy laws need to be strengthened and strenuously implemented. Improving domestic laws and regulations, increasing the efficiency of law enforcement, ratifying international agreements and implementing them and practical international cooperation will be essential. We call for the full implementation of resolutions 1846 (2008) and 1851 (2008), on counter-piracy military operations. Regional cooperation between navies and coast guards, including technical assistance, must necessarily feature prominently.

It is encouraging to note that many international organizations and regional navies have been active in hosting seminars and discussions and sharing experiences. Just this month, Sri Lanka hosted the Galle dialogue. As the threat scenario and the counter measures at sea have evolved, it is time for us to revisit all international legal instruments pertinent to this challenge. Limitations in, or the absence of, definitions may have posed difficulties when executing search warrants, making arrests and conducting prosecutions.

Having successfully countered a flotilla of small craft employed by a terrorist group and effectively protected large vessels transporting cargo and personnel by sea, we believe that the immediate answer to piracy at the tactical level would be to place security teams consisting of well-trained naval personnel on board merchant vessels, as they would be a visible deterrent. If required, they would react with much more immediate effectiveness. For this, we consider that United Nations involvement is important, particularly since the pirate threat in Somali waters has now spread to many adjacent areas. We consider that it is important for the United Nations to take a lead role in this respect.

I wish to put on record that the dense shipping lane south of Dondra Head in Sri Lanka has been free of any piracy or other criminal activity in spite of high intensity maritime terrorist activity using very sophisticated vessels in the seas around Sri Lanka over a period of 28 years. Sri Lanka's success in keeping this vital sea-lane safe for international shipping over the years is a significant achievement. It must not be allowed to be threatened by pirates or similar criminals at any point due to complacency. Sri Lanka stands ready to share its expertise and personnel in that regard.

Addressing piracy around Somali waters in a sustainable manner will require a combination of domestic and international security strategies. We hope that the United Nations will take a practical and leading role in this endeavour.

The President (*spoke in Russian*): I now give the floor to the representative of the Republic of Korea.

Mr. Shin Boonam (Republic of Korea): I thank you, Mr. President, for organizing this meeting today and for giving my delegation the opportunity to participate in the debate. I would also like to express my appreciation to all members of the Security Council for their efforts in seeking constructive ideas to combat piracy.

The Republic of Korea is deeply concerned about piracy threatening maritime security, given the fact that it is heavily dependent upon international sea lanes of communication as an important route for trade. As one of the world's largest flag States, the Republic of Korea has been one of the most ardent members of the international coalition in the fight against Somali pirates. We recognize that it is impossible to combat piracy without well-orchestrated joint efforts among interested States.

However, the situation is worsening. The number of acts of piracy and armed robbery at sea off the coast of Somalia has risen sharply for the past couple of years. In addition, Somali pirates using mother ships have been expanding their range of attack. In fact, in the past five years, seven Korean ships have been hijacked by pirates off the coast of Somalia. Even now, five innocent Korean seamen are being held hostage, after their oil tanker was hijacked last April.

My delegation would like to take this opportunity to express our appreciation to the Secretary-General and his staff for the comprehensive and informative report dated 26 July 2010 (S/2010/394), which was requested by the Security Council in resolution 1918 (2010).

My delegation is of the view that capacity-building for Somalia's judicial system, from mid- and long-term perspectives, is critical to prosecute and imprison persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia, given the fact that difficulties mainly come from the instability and the lack of governance in Somalia. The international community needs to come up with the best ways to combat piracy by carefully reviewing the seven options identified in the report of the Secretary-General. In that regard, continued discussions in the Contact Group on Piracy off the Coast of Somalia should also be noted.

Various and concerted efforts by the international community are required to combat Somali piracy, which is by its nature a transnational issue. My delegation highly commends the international community's tireless efforts in combating piracy and thereby ensuring the safety of sea lanes of communication. The Republic of Korea has actively joined in the international coordinated efforts to combat Somali piracy. The Republic of Korea had the honour of taking over command of Combined Task Force 151 last April. It is presently coordinating the Force's counter-piracy operations to deter and disrupt piracy in the Gulf of Aden onboard Kang Gam Chan, the 4,500 ton class Korean destroyer of the Cheonghae unit, which was deployed in March 2009.

With regard to capacity-building in Somalia and its neighbouring countries, the Republic of Korea has financially supported both Somalia and those countries, especially through the International Maritime Organization (IMO) and other United Nations programmes. We will continue to make a contribution to the IMO Djibouti Code Trust Fund this year. In November, the Republic of Korea will chair the seventh plenary meeting of the Contact Group on Piracy off the Coast of Somalia, at which we hope many interested States will participate to strengthen international cooperation in combating piracy.

Although piracy is a very complicated and multifaceted issue, we believe that we can together address it by rallying the firm and resolute commitment of the international community.

The President (*spoke in Russian*): I now give the floor to His Excellency Mr. Tete António, Permanent Observer of the African Union to the United Nations.

Mr. António (*spoke in French*): I would like to begin by reiterating our condolences to the Government and people of Somalia. We take note of the Secretary-General's words this morning referring to the events in Mogadishu yesterday. He has reminded us all of our responsibility to ensure that a lasting solution is found to the conflict in Somalia.

We welcome the efforts of Russia on the specific issue of piracy, which have led to today's presidential statement. We are certain that the proposals made this morning by the Secretary-General — whose report (S/2010/394) we welcome, as we welcome the fact that he personally presented it — are an important step in this direction.

We share the concerns expressed by the Secretary-General regarding the situation in the

Democratic Republic of the Congo, in particular the violent acts committed against civilians, and we echo his call for more vigorous action to deal with those promoting this violence.

We too express our thanks to the Contact Group on Piracy off the Coast of Somalia, and we are thankful for all the efforts undertaken by partners, and even by some African countries who we have heard speak today, such as Seychelles and Kenya. We cannot conclude our thanks without mentioning the valuable assistance that we receive from all of our partners, the United Nations and all others, and expressing our appreciation to all the countries that contribute troops to the African Union Mission in Somalia (AMISOM) who, as the Council knows, are sparing no effort on the ground, with every means at our disposal, often in very difficult conditions, to fight the terrorists who sow death among the Somali civilian population.

(*spoke in English*)

The African Union has had occasion to stress the following three main views regarding piracy in the Gulf of Aden, with attacks even having occurred in the Gulf of Guinea.

First, the African Union believes that piracy is only one symptom of the broader challenge of peace and security in the area of the coast of Somalia and the Horn of Africa as a whole. Some have even noted that activities involving piracy at sea are rooted in causes on land. Secondly, the African Union has continuously advocated the need for the international community to adopt a comprehensive approach to addressing this issue in a sustainable manner. Thirdly, the African Union has, for its part, launched a process for maritime security in Africa as a whole.

In the light of these three key views, we see resolution 1918 (2010), which requested the Secretary-General to present the report under consideration today, as an important step towards a comprehensive approach to tackling the phenomenon of piracy.

For its part, at its thirteenth ordinary session, held in Sirte, Libyan Arab Jamahiriya, in July 2009, the African Union expressed serious concern at the mounting insecurity in the maritime spaces around Somalia and Africa in general, strongly condemned all illegal activities in these regions and welcomed the initiatives undertaken by the Commission to develop a comprehensive and coherent strategy to combat this scourge.

As a follow-up to this decision, the Commission of the African Union convened a workshop on maritime security and safety in Addis Ababa, on 6 and 7 April 2010. The workshop, which was attended by AU member States, regional economic communities and other AU institutions, as well as by the United Nations and other multilateral and bilateral partners, provided an opportunity to review the challenges facing Africa in terms of maritime security and safety. Emphasis was placed on illegal, unreported and unregulated fishing, the dumping of toxic waste, arms and drugs trafficking, human trafficking, oil bunkering, piracy and armed robbery at sea, and other factors.

At its most recent summit, held in Kampala in July 2010, the AU Assembly restated its concern over the persistence and spread of maritime piracy, which is an international crime pursuant to the relevant international instruments, including resolution 1918 (2010). Expressing its support for the conclusion of the Addis Ababa workshop, the Assembly urged the Commission to pursue the efforts towards a comprehensive response to piracy, including the elaboration of a continental strategy for the management of the continent's maritime domain with the involvement of the emerging African Standby Force in efforts to promote maritime security and safety.

Furthermore, within the context of the need for a comprehensive approach to tackling this phenomenon, African leaders, at the recent summit in Kampala, stressed the importance of adequate protection of the African maritime domain, and that of island States in particular, against organized crime, as well as illegal fishing and dumping of toxic waste, and reiterated their call for the convening, within the framework of the United Nations, of a conference to develop an international convention on piracy, as contained in the Tripoli plan of action. They also renewed their call for more efforts at the national, regional and continental levels to promote maritime security and safety, to ensure that Africa takes responsibility and full advantage of its maritime domain, as part of the overall efforts towards the development of the continent.

In this context, the African Union Commission is planning to undertake a series of activities aimed at raising awareness among the continent's key

stakeholders, mobilizing the necessary political will, building capacity at all levels, securing the required resources and building partnerships. Within this context, we are confident that beyond the Council's deliberations today, all parties will continue to carefully consider the options proposed by the Secretary-General in the report that is under consideration in this very meeting.

Still in Kampala, the Assembly of the African Union adopted the African Maritime Transport Charter, which contains important provisions relating to maritime and port safety and security aimed at ensuring safe, secure and efficient shipping and port operations. We would like to echo the call of the Assembly to various United Nations bodies and international partners to support the Charter's implementation. The Commission of the African Union is to actively promote its ratification and develop a plan of action for its implementation, as requested by the Summit.

(*spoke in French*)

The Council will recall that the African Union proclaimed 2010 as the Year of Peace and Security in Africa. We believe that today's initiative is also a step in that direction, and we therefore reiterate our call for the awareness-raising initiative launched by the African Union to continue to have the support of all of our partners. We do not mean, of course, that conflicts in Africa will cease in 2010, but we believe that this is an important step in our efforts for everyone to engage, as we are today, in the search for more global solutions to African conflicts.

The President (*spoke in French*): I thank Mr. António for his statement.

(*spoke in Russian*)

I now give the floor to Ms. Patricia O'Brien to answer any questions and respond to comments.

Ms. O'Brien: I have just a few concluding remarks. I am very pleased with the great interest that Member States have demonstrated in this debate, and the close attention with which they have analysed the Secretary-General's report (S/2010/394).

I would like to reiterate the importance of Council members, when considering the various options to further the aim of prosecution, also taking into account the equal importance of putting in place adequate arrangements for imprisonment. I look forward now to the Security Council's further consideration of the options we have identified. If the Council wishes to move forward with any of them, my Office, of course, stands ready to assist in any way we can.

I wish finally to acknowledge the contributions made to the Secretary-General's report by the United Nations Office on Drugs and Crime, the United Nations Development Programme, the International Maritime Organization, the Department of Political Affairs — which, of course, includes the United Nations Political Office for Somalia — and, last, but not least, my own team in the Office of Legal Affairs, who have contributed great effort to this report.

I thank you, Mr. President, for providing this opportunity to consider and discuss the report today.

The President (*spoke in Russian*): I thank Ms. O'Brien for her clarifications.

I thank all delegations that took part in today's meeting — and the members of the Secretariat — for their very valuable contributions to the discussion, which will undoubtedly enrich future work to counter piracy off the coast of Somalia.

There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 2.25 p.m.

United Nations S/PV.6375

Security Council

Sixty-fifth year

Provisional

6375th meeting

Monday, 30 August 2010, 3.15 p.m.

New York

President:	Mr. Churkin	(Russian Federation)
Members:	Austria	Mr. Ebner
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. De Rivière
	Gabon	Mr. Moungara Moussotsi
	Japan	Mr. Nishida
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Nigeria	Mr. Lolo
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation in the Middle East

Letter dated 11 August 2010 from the Secretary-General addressed to the President of the Security Council (S/2010/430)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.

10-49885 (E)

Please recycle

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

Letter dated 11 August 2010 from the Secretary-General addressed to the President of the Security Council (S/2010/430)

The President (*spoke in Russian*): I should like to inform the Council that I have received letters from the representatives of Belgium, Israel, Italy and Spain, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Waxman (Israel) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Russian*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2010/454, which contains the text of a draft resolution submitted by Belgium, France, Italy, Spain and the United States of America. I wish to draw the attention of participants to documents S/2010/352 and S/2010/430, containing the thirteenth report of the Secretary-General on Security Council resolution 1701 (2006) and a letter dated 11 August 2010 from the Secretary-General addressed to the President of the Security Council, respectively.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Bosnia and Herzegovina, Brazil, China, France, Gabon, Japan, Lebanon, Mexico, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President (*spoke in Russian*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1937 (2010).

I now give the floor to the representative of Lebanon, who wishes to make a statement following the voting.

Mr. Salam (Lebanon): Allow me, first, to extend the thanks of the Government of Lebanon to all members of the Security Council for the unanimous decision to renew for another year the mandate of the United Nations Interim Force in Lebanon (UNIFIL), without amendment to its mission, its rules of engagement or its concept of operations, as per the request of my Government.

I would also like to take this opportunity to praise UNIFIL's dedicated work, in close coordination and cooperation with the Lebanese Armed Forces; to commend the leadership of its Commander, Major General Asarta Cuevas; and to express our deep gratitude to all troop-contributing countries for their continued support to Lebanon and its efforts to consolidate security and stability in its south. Lebanon appreciates the troops' valiant sacrifices, the most recent of which being the regrettable death of a French UNIFIL member in a car accident last week. Allow me also to acknowledge the guidance provided by the Department of Peacekeeping Operations.

I know that this is well known to all members of the Security Council, however allow me to conclude by reiterating Lebanon's strong commitment to the full implementation of resolution 1701 (2006) in its entirety.

The President (*spoke in Russian*): I now give the floor to the representative of Israel.

Mr. Waxman (Israel): As we are meeting at the end of the month, please allow me, Mr. President, to commend you for your able stewardship of the Security Council this month.

Israel welcomes the adoption of resolution 1937 (2010) and the renewal of the mandate of the United Nations Interim Force in Lebanon (UNIFIL). I would like to convey Israel's appreciation to UNIFIL troops and their commanders, troop-contributing countries and the Department of Peacekeeping Operations (DPKO).

Israel remains committed to the full implementation of resolution 1701 (2006) and looks forward to cooperating with the Security Council, the Secretary-General, DPKO and UNIFIL in that regard. However, in Lebanon, serious challenges to peace and security threaten the full realization of resolution 1701 (2006). In fact, some of those challenges are highlighted in the resolution that the Council has just adopted.

The most serious of these remains the military build-up of the Hizbullah terrorist organization. With Iranian and Syrian support through arms, training and financing — all of which are flagrant violations of resolution 1701 (2006) and of today's resolution — Hizbullah is building a deadly arsenal throughout Lebanon, including south of the Litani River and in the area of UNIFIL's operation. The incidents in Khirbat Silim, Tayr Filsi and Mazraat Sarda represent just the tip of the iceberg of this larger phenomenon. This military build-up is made possible by widespread weapons transfers to Lebanon, which violate the existing arms embargo. The arms embargo is a key issue addressed in resolution 1701 (2006). The reference to the embargo in today's resolution is certainly important and should be accompanied by concrete measures on the ground.

Hizbullah's deadly rearmament endangers Lebanon itself and the wider Middle East as Hizbullah deploys those weapons and builds its military infrastructure throughout civilian villages of southern Lebanon, adjacent to schools, hospitals, houses of worship and residential buildings. Hence, more concerted efforts must be made in order to establish, in the words of paragraph 8 of today's resolution, "between the Blue Line and the Litani River ... an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and UNIFIL".

The freedom of movement of UNIFIL is increasingly impeded by Hizbullah operatives who use civilians to disrupt the work of peacekeepers. In that regard, UNIFIL must remain vigilant and use the necessary and appropriate means to carry out the mandate that the Council has renewed today.

While Israel welcomes the deployment of the Lebanese Army in southern Lebanon, its forces must act responsibly to ensure peace and stability. The Lebanese Armed Forces must clearly differentiate itself from radical elements that seek to undermine resolution 1701 (2006). In that regard, on 3 August we witnessed a grave incident. During routine Israeli work south of the Blue Line — more than 90 metres within Israeli territory — Lebanese forces fired direct fire across the Blue Line, killing Battalion Commander Lieutenant Colonel Dov Harari and critically wounding another senior company commander, both of whom were standing some 140 metres south of the Blue Line and 250 metres west of the location of the Israel Defense Forces (IDF) works.

The preliminary findings concerning this incident were discussed in the Secretary-General's letter to the Security Council regarding the renewal of UNIFIL's mandate (S/2010/430). UNIFIL's investigation was shared with the parties last week, and the main finding of the report states that

> "the LAF [Lebanese Armed Forces] opening fire, which triggered the exchange, constitutes a serious violation of resolution 1701 (2006) and a flagrant breach of the cessation of hostilities. At the time of the initial LAF fire, the IDF troops were positioned on the Israeli side, south of the Blue Line".

The parties plan to discuss the results of this investigation in their next tripartite meeting. However, Israel hopes that the Council will receive a full briefing on the matter in a timely manner. This type of incident must not happen again. Israel reiterates its call upon the LAF to respect the Blue Line in its entirety.

While the situation in southern Lebanon remains complex, the presence of UNIFIL plays an indispensable role in promoting calm in the area, including along Israel's northern border. In conclusion, I wish to reiterate our support for today's resolution, and to emphasize our gratitude to the men and women of UNIFIL, who are performing a difficult task in a difficult environment in order to promote peace and security for all in the region.

The President (*spoke in Russian*): The representative of Lebanon has asked for the floor to make a further statement, and I call on him now.

Mr. Salam (Lebanon): As we renew the mandate of the United Nations Interim Force in Lebanon (UNIFIL) today, it is important not to forget that the current enhanced mission of UNIFIL came on the heels of the Israeli war on Lebanon in 2006, which killed 1,125 Lebanese civilians and displaced hundreds of thousands, not to mention those civilians who have since been mutilated by the cluster bombs that Israel dropped in the last 48 hours of its aggression. In fact, the criminal fallout of Israel's 2006 aggression continues to unfold. During the past four months, "seven incidents involving unexploded ordnance from the 2006 conflict occurred, resulting in injury to six civilians and one deminer", as stated in paragraph 43 of the Secretary-General's most recent report (S/2010/352) on the implementation of resolution 1701 (2006).

Israel claims to be committed to the full implementation of Security Council resolution 1701 (2006). Yet, as stated by the Secretary-General in paragraph 56 of his July report, Israeli warplanes

> "continue to violate resolution 1701 (2006) and Lebanese sovereignty on an almost daily basis through overflights of Lebanese territory. These overflights create a tense situation and have the potential to trigger an incident that could rapidly escalate".

Furthermore, Israel continues to blatantly and repeatedly violate Lebanese sovereignty on land and at sea, where it unilaterally established a line of buoys infringing on Lebanese territorial waters, in addition to its "navy units dropping depth charges and firing flares along the buoy line", as stated in paragraph 26 of the Secretary-General's latest report. Is this how Israel intends to be fully committed to the implementation of resolution 1701 (2006)?

Four years after the Security Council adopted that resolution, calling on Israel to withdraw its troops from all Lebanese territory, the Israeli armed forces, as noted in paragraph 8 of the Secretary-General's report, continue their "occupation of the northern part of Ghajar village and an adjacent area of land north of the Blue Line, in violation of resolution 1701 (2006)". Is it by continuing to defy the Secretary-General's clear request to withdraw from northern Ghajar that Israel respects resolution 1701 (2006)?

Moreover, Israel continues to occupy the Shab'a farms in the Kafr Shuba hills, refusing a solution even on an interim basis, as previously proposed by the Lebanese Government. And it is impossible not to mention the more than 150 Israeli spies arrested in Lebanon during the past year, let alone those who fled to Israel before the Lebanese security forces were able to apprehend them. Do they not constitute a violation of Lebanese sovereignty, safety and security, respect for which is enshrined in resolution 1701 (2006)?

And what about the barrage of bellicose threats levelled against my country and its people by Israeli officials, promising them more death and destruction. For Israeli Defence Minister Ehud Barak, it has become "legitimate to hit any target that belongs to the Lebanese State", as he stated in his 26 July interview with *The Washington Post*. Allow me also to remind the Council that on 7 August 2009 that same Israeli Minister declared, ahead of the renewal of UNIFIL's mandate last year, that "Israel did not strike at Lebanon's infrastructure hard enough" during the summer war of 2006. Is this how Israel promises to respect resolution 1701 (2006)?

As for the events at the beginning of July, Lebanon has deplored them and it reiterates its respect for UNIFIL's freedom of movement, as defined by its mandate and rules of engagement. Lebanon also considers the border incident of 3 August, which took place in a contested area along the Blue Line, as a grave one from which lessons should indeed be drawn. As asserted by the report shared by UNIFIL with the parties, the incident underscored the importance of marking the Blue Line and respecting it. That is what Lebanon has always been calling for.

Furthermore, the report calls on the parties to refrain from any provocation. Lebanon fully endorses that cardinal recommendation. Is there, however, any greater provocation than the more than 6,000 daily, deliberate and brazen Israeli violations of Lebanese sovereignty perpetrated since 2006, which have been documented and reported in numerous letters addressed to the Council by my Mission, as well as in the Secretary-General's reports? Moreover, that incident underlines how imperative it is to strengthen coordination with UNIFIL, in order to prevent similar events from occurring in the future. In this regard,

Lebanon and its armed forces look forward to enhancing their coordination and cooperation with UNIFIL during its renewed mandate.

Allow me once more to thank you, Mr. President, and all members of the Council for renewing UNIFIL's mandate for another year.

The President (*spoke in Russian*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.35 p.m.